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MANAGING SPECIAL FOREST PRODUCTS IN OREGON AND WASHINGTON:

A BLM FINAL TASK FORCE REPORT

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**Introduction
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Recommendations
Rationale
Action Plans
State Director's Decisions**

MARCH 31, 1993

MANAGING SPECIAL FOREST PRODUCTS IN OREGON AND WASHINGTON: A BLM FINAL TASK FORCE REPORT

INTRODUCTION

Special Forest Products (SFP) is the term now being used to describe what was commonly referred to as "minor forest products." They include such items as grasses, roots, bark, berries, mosses, ferns, edible mushrooms, seedlings, transplants, poles, firewood, and small amounts of salvage timber. Until recently, these products were normally considered of little or no value. Today, the harvest of these products is increasing, and they should no longer be considered as "minor" products. For example, in 1989 the Northwest floral greenery industry employed 10,000 people and contributed \$128,000,000 to the regional economy.

As discussed in the western Oregon Draft RMPs and reinforced by our State Director, the BLM is placing more emphasis on "total ecosystem management." Special Forest Product management is an important component of ecosystem-based forest management. Even so, there was little mention in the Draft RMPs concerning the management goals for SFP. An aggressively managed SFP program will benefit both the BLM and the general public in many ways. Some of these benefits are to: complement other resource programs we manage; help to contribute to economic stability in local communities; resolve some of the conflicts created by increased commercial and recreational harvesting of these forest products; develop base line field inventory data for species now in demand; form partnerships with groups concerned with the harvest and management of these products; and educate the public as to the value of our natural, renewable resources. Therefore, the BLM will address the biological, environmental, socioeconomic, cultural, and administrative impacts of harvesting special forest products in long-term resource planning.

BACKGROUND

In December 1991, BLM administrative and field personnel met and identified 12 major issues that were limiting effective management of special forest products harvested in Oregon and Washington. As a result of that meeting, 10 teams made up of more than 60 employees were formed to review the issues and provide possible solutions to any problems identified.

A Draft Report including the Executive Summary of those reviews was developed by a task force comprised primarily of the major issues' Team Leaders. Each team's subissue papers, especially the recommendations, rationale, and implementation procedures were reviewed. The Draft Report was distributed to members of the Statewide Management Team for their comments. These comments were reviewed and responded to by the task force. This Final Report also contains the most important recommendations for each major issue (see Appendix A), the detailed background information for each issue and subissue (see Appendix B), and the comments, along with the task force's responses, to the Draft Report (see Appendix C).

APPENDIX A

The first part of the report is a description of the
sample and the methods used in the study. The
sample consists of 100 inmates who were
selected from the New York State Department of
Corrections. The methods used in the study
were interviews, questionnaires, and
observations.

The second part of the report is a description of
the results of the study. The results show that
the inmates who were selected from the New
York State Department of Corrections had
higher rates of recidivism than the inmates
who were selected from the New York State
Department of Corrections. The results also
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APPENDIX B

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had higher rates of recidivism than the
inmates who were selected from the New York
State Department of Corrections.

**TASK FORCE RECOMMENDATIONS, RATIONALE,
AND THE STATE DIRECTOR'S DECISIONS**


Recommendation #1 - Expand the section on special (minor) forest products in forthcoming RMP/EIS documents. This can be done by developing a prototype section for Special Forest Products (SFP) for the western Oregon RMPs/EISs that stands alone rather than under timber or some other program.

Rationale: Any action affecting the environment must be supported by a NEPA document, unless the action is categorically excluded or fully covered by an existing EIS or EA. The recommendations made by this task force would expand and improve the current level of discussion and impact analysis of SFP issues from that in the Draft RMPs. Making allocations and identifying closures and restrictions for SFP in general terms in the final versions of the western Oregon RMPs/EISs would provide a framework for managing SFP through the decade.

Action Plan: A team consisting of Jeffrey Gordon (Salem District), Nancy Wogen and Don Wilbur (Eugene District) has prepared a draft prototype for inclusion in the Final western Oregon RMPs/EISs. It has been reviewed by the westside planning team, and a final prototype has been prepared by Bob Saunders and Jeffrey Gordon of the Salem District. This has been distributed to the western Oregon districts.

DECISION:

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Recommendation #2 - Develop an Oregon/Washington handbook to provide uniform standards and guidelines for the management of SFP.

Rationale: An Oregon/Washington handbook would benefit all districts by: providing an established policy and a comprehensive reference for the SFP program; reducing administrative inconsistencies between BLM resource areas and/or districts; increasing public understanding of the program and our procedures; and eliminating misconceptions that BLM employees may have concerning the SFP program.

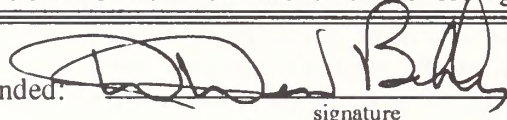
Action Plan: A team consisting of Jeffrey Gordon (Salem District) and Jim Weir (OSO) will prepare the handbook. Jeffrey Gordon will be detailed to work at the Eugene District Office for a period of time not to exceed 90 days beginning May 2, 1993. They will complete a Draft Handbook by September 30, 1993, with the Final Handbook due on April 1, 1994. Funding for this effort will be provided by the Oregon State Office.

Districts will supply technical assistance as requested by this team.

In addition to this, the Branch of Forestry at the Oregon State Office will develop a training program which explains the material contained in this handbook to BLM employees. Such training will begin at the district offices within one month of the issuing of the completed handbook.

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Recommendation #3 - Provide budget/management support to enhance SFP in ecosystem management and socioeconomic stability.

Rationale: Presently, management support is inconsistent, and no separate budget exists for the SFP program. Both situations promote: uneven management of the resources; reduced receipts to the government; possible environmental damage; increased potential for theft; and lack of support by the individuals involved in the sale of SFP.

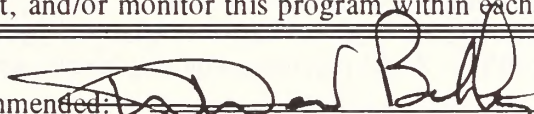
Action Plan: The FY 1995 Oregon O&C budget program package for ecosystem-based forest management will include adequate funding for SFP management as an integral part of total forest management.

The effects of reduced budgets will have the same proportional impact on this program as it does on all other programs (i.e., a 20 percent reduction in the budget would reduce the monies for this program by 20 percent).

By the end of FY 1994, specific individuals within the present workforce will be assigned to develop, implement, and/or monitor this program within each resource area and district staff.

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Recommendation #4 - Complete inventory, monitoring, and research proportional to use, public interest, and biological sensitivity.

Rationale: BLM can no longer manage lands on a single species basis. The Agency is mandated to manage public lands for sustainability. To do this, base line data are needed to determine distribution and abundance of the various SFP. Monitoring data are necessary to evaluate the impacts, both direct and secondary, of how species are responding to various management activities. This information is necessary in preventing both overutilization of SFP and potential damage to the ecosystem. Inventory, monitoring, and research needs must reflect the biological sensitivity of a species, the public demand for various SFP, and the public interest in certain SFP.

Action Plan: The Branch of Forestry of the Oregon State Office, in conjunction with the Oregon State Office botanist, will take the lead on implementing this recommendation. We will begin by determining the twenty SFP species that are most commonly harvested from BLM lands in Oregon/Washington. This will be completed by April 30, 1993.

The present stand exam procedures will be modified to include the most commonly harvested species in data collection. This will provide a basic indication of species presence on the stand exam plots. More sound and reliable inventory methods need to be developed by a team of field and State Office personnel. The target date for new inventory method development is September 30, 1993. Fiscal year 1994 AWP advices would provide specific guidance for implementation.

A literature search will be conducted for the effects of species removal (either partial or total) from an area. This will be completed by December 31, 1993. The Oregon/Washington State SFP Program Lead will coordinate this effort.

Monitoring will be done on those areas where harvesting has occurred. At minimum, the area specified in the permits issued for the product must be visited once during the life of the permit. The maximum optional monitoring would be a total of three visits - once during the life of the permit, once around the first anniversary of the harvest, and once around the third anniversary of the harvest. The minimum level will begin immediately with additional levels to be instituted as required by the Final RMP/EIS. Biological monitoring of those sensitive species that are being harvested will be implemented. Emphasis will be placed on coordinating with other agencies.

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I would encourage entering a
partnership with Native plant groups to assist
in this portion of the project. *[Signature]* Baltes 3/31/93
signature date

Recommendation #5 - Perform an active role in public education, outreach, and developing partnerships with outside groups interested in SFP management (e.g., harvesters, cultural groups, Nature Conservancy, USFS, etc.).

Rationale: Spoken and written communication difficulties, along with cultural differences, have created a barrier to effective resource management. Overharvest because of uninformed users could be reduced through more public education. Economical and environmental values of SFP can be explained to the public through the media and brochures produced in various languages. Using partnerships to achieve management goals has been proven to build support and public acceptance of management activities. This is also consistent with BLM's newly developed strategic plan, "Forests: Our Growing Legacy."

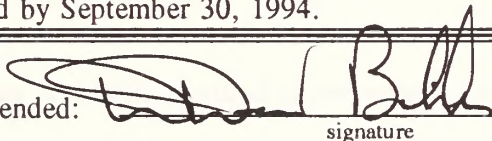
Action Plan: The Public Affairs division of the Oregon State Office, in conjunction with the Branch of Forestry of the Oregon State Office, will take the lead on implementing this recommendation. They will gather input from the districts as to how best to implement this recommendation on their particular district. Area Managers and OSO Branch Chiefs will initiate internal education programs and contacts with outside interest groups.

The Education working group of the Western Oregon Special Forest Products Council has developed a brochure that will be used in public education. It will be translated into other languages (i.e., Spanish, Cambodian, Vietnamese, Russian, etc.) so that harvesters who do not speak English can better understand our program. This will be done by June 30, 1993.

Cultural diversity education programs will be developed and provided to the districts so that possible misunderstandings due to cultural differences would be reduced. These programs will be completed and offered by September 30, 1994.

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APPENDIX A

SUMMARY OF RECOMMENDATIONS FOR EACH MAJOR ISSUE

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<i>prices: establishing; consistency between districts and agencies; commercial vs. personal use; and minimum permit value</i>	
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<i>clarifying the NEPA process; and addressing SFP management in the RMP/EIS and special areas</i>	
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APPENDIX A

SUMMARY OF RECOMMENDATIONS FOR EACH MAJOR ISSUE

Issue Dealing With Contract/Permit Administration (see pp. B-1 to B-20 in Appendix B) - language/cultural barriers; staffing needs/role of law enforcement; coordination between districts/agencies including tracking of violators; and conflict between users.

Major Recommendations:

- [1] Commit to more SFP sales administration;
- [2] Establish clear, well-defined policy statement concerning the sale and monitoring of SFP program;
- [3] Train and encourage increased law enforcement personnel involvement in SFP management including use of an expanded database to track permits.

Issue Dealing With Contracts (see pp. B-23 to B-98 in Appendix B) - contracts and contract preparation; payments and identification; regulations for sale; and free use.

Major Recommendations:

- [1] Develop a handbook to explain regulations and procedures, and provide consistency between districts;
- [2] Consider long-term leases for SFP contracts;
- [3] Continue to use current regulations but review for any needed changes;
- [4] Train individuals dealing with SFP for full understanding of program.

Issue Dealing With Pricing (see pp. B-99 to B-100 in Appendix B) - prices: establishing; consistency between districts and agencies; commercial vs. personal use; and minimum permit value.

Major Recommendations:

- [1] The BLM and USFS develop a consolidated minimum price list (already done).

Issue Dealing With NEPA Process (see pp. B-101 to B-128 in Appendix B) - clarifying the NEPA process; and addressing SFP management in the RMP/EIS and special areas.

Major Recommendations:

- [1] Require SFP projects to have either a categorical exclusion review or preparation of an environmental assessment;
- [2] Identify specific collection areas at the resource area level, and require harvest or other environmental restrictions for each SFP or group of SFP be attached to the contract;
- [3] Expand discussion, increase current level of analysis, and make land use allocations for SFP management in the Final RMP/EIS for western Oregon, with options for districts to include specific guidelines and standards;
- [4] Review existing management plans for individual special areas for adequate consideration of SFP collection, and amend if appropriate. Where no plan exists for the special area, prepare an environmental assessment and analyze management activities, including SFP collection.

Summary of Recommendations for Major Issues

Issue Dealing With TSIS Record Keeping (see pp. B-129 to B-132 in Appendix B) - ability to manipulate the system; ability to track violators; and automated program for use at front desk.

Major Recommendations:

- [1] Develop a SFP handbook that would contain references on how to input, update, or correct SFP data, and get an up-to-date listing of Special Forest Products contained in TSIS;
- [2] Develop a link between BLM's TSIS program and the USFS's Oracle small sales program;
- [3] Require BLM districts to utilize the dBase IV Automated Small Sales Contract Program for permits issued at the district offices. All small sale permits must be loaded onto TSIS at the close of the week;
- [4] Develop an active trespass program and implement it as soon as possible.

Issue Dealing With Inventory/Monitoring/Research Needs (see pp. B-133 to B-146 in Appendix B)

Major Recommendations:

- [1] Develop and implement an inventory program that determines the distribution and abundance of potentially at risk special forest products species;
- [2] Develop and implement an ecological monitoring program that provides information on the effects of harvesting SFP at a level that reflects the use, biological sensitivity, and public interest of the species;
- [3] Develop and implement a coordinated interagency program focusing on researching product sustainability, market potential, and various other associated secondary impacts of SFP harvest.

Issue Dealing With Qualifications (see pp. B-147 to B-154 in Appendix B) - knowledge and skills required of personnel involved with SFP.

Major Recommendations:

- [1] Develop and maintain skilled personnel through appropriate training;
- [2] Issue a handbook to provide overall guidance and to serve as a comprehensive reference for the SFP program.

Issue Dealing With Public Education (see pp. B-155 to B-166 in Appendix B) - informing and educating the user/general public with handouts and videos; addressing the language/cultural barriers; and issuing and improving SFP maps.

Major Recommendations:

- [1] Develop a joint BLM/USFS SFP brochure to inform/educate the users/general public;
- [2] Address language/cultural barriers through the use of multi-language handouts, videos and SFP contracts/specifications, and the use of interpreters (BLM, USFS, volunteers, etc.);
- [3] Require BLM districts to design clear, accurate SFP maps to accompany permits.

Issue Dealing With Road Maintenance (see pp. B-167 to B-170 in Appendix B) - inconsistency in road maintenance collections.

Major Recommendations:

- [1] Charge a standard flat road maintenance fee of 10 percent of permit value for all SFP permits (contract). This is in addition to the cost of the products sold.

ISSUE ANALYSIS
Special Forest Products Management

Major Issue: CONTRACT/PERMIT ADMINISTRATION

Background or Present Situation/Practices
--

A. Western Oregon

B. Eastern Oregon/Washington

In Oregon, special forest product sales increased several fold due to the Six Part Plan issued in May 1982 by the Oregon State Office. The plan was issued to increase utilization of timber residues and increase salvage sales from BLM lands. The plan made it possible for the first time to negotiate sales that could have competitive interest. Districts were encouraged to designate special forest product employees to manage the program due to a downturn in timber harvesting.

When the timber industry resumed timber harvest at normal rates, some of the districts' special forest products employees were shifted to part-time or to other jobs deemed more important even though the demand remained for special forest products.

When budgets are strained, special forest product contract administration suffers.

Contract administration has historically lagged behind sales because the demand for special forest products left little time for administration with the workforce available.

Currently, the new emphasis placed on biodiversity and the protection of sensitive, threatened, and endangered species and habitats requires a change in harvest patterns of special forest products and closer contract administration than in the past.

List of Options

See subissues attached.

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Page 101
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ISSUE ANALYSIS
Special Forest Products Management

Major Issue: **CONTRACT/PERMIT ADMINISTRATION**

Subissue: **Need to Track Permits Between Districts and the Forest Service;
Develop a Database That Will Work Between Agencies**

Background or Present Situation/Practices

A. Western Oregon

The Coos Bay, Medford, Roseburg, and Eugene Districts are currently using a program developed using dBASEIII+. The system captures necessary data for upload into the Timber Sale Information System (TSIS) and prints the contract sale form 5450-5. It also produces summary reports for the district law enforcement staff. Other districts are inputting the data directly into TSIS.

B. Eastern Oregon/Washington

Inputting data directly into TSIS.

List of Options

1. Continue as present.
2. Develop ORACLE database coordinating with USFS and BLM law enforcement.

Analysis of Options

1. Since TSIS is the Oregon/Washington BLM information storage system, retaining the current policy would be easiest and would not be an added cost at this time.
2. Would allow those users to easily access USFS and BLM databases for pertinent information.

Recommendations (What, Where, When, and/or How)

Adopt portions of the USFS Forest Products Permit System. This is an ORACLE application developed at the Hebo Forest. The application would reside on the PRIME computer at the Oregon/Washington BLM State Office.

Rationale

Since the goal is to coordinate with the USFS, law enforcement, and all personnel concerned with special forest products, it seems a central location where data may reside would be most beneficial to all end users. Also, those forms which may be automated can be developed using the database. In addition, locating special forest products information in a database format meets the long-term goal for all forestry programs.

Implementation Procedure

Coordinate with OR-955 concerning PRIME computer space, user IDs, and usage. Determine pertinent data required for the database. This would involve coordinating with law enforcement, USFS, district requirements, etc., so that all data is available to those who may need it.

ISSUE ANALYSIS
Special Forest Products Management

Major Issue: CONTRACT/PERMIT ADMINISTRATION

Subissue: Staffing Needs to Administer Permits/Contracts

Background or Present Situation/Practices
--

A. Western Oregon

There is a high demand for numerous minor forest products in western Oregon. According to ethnobotanist Tony Walters, there are more than one hundred different plant species that could be utilized as minor forest products. The demand for some of these products such as cedar boughs and bear grass is seasonal, while some of these products can be more cyclic such as chip and cull logs of which demand is based on the market price. The demand for these minor products on BLM land seems to increase the further south one goes in the state. The biggest demand in the southern part of the state is for firewood permits. Because of the demand for minor forest products, most resource areas have a small sales person who is responsible for handling all minor forest products. Some resource areas have their contract administrator also do the work of the small sales person. Where the contract administrators are handling the small sales program, they spend up to 20 percent of their time monitoring these permits. The amount of time spent on monitoring and what is monitored varies among individuals. Some administrators try to monitor all permits at least once, while other administrators will only monitor firewood and cull log sales. The higher the value of the product, the more time is spent monitoring that permit. Recently yew wood has become a major issue and has required several people to monitor full-time. For the past year and a half, chip and hog fuel has been a very desirable commodity. Saw log salvage sales can take as much time administrating as a regular timber sale. Under the current injunction from the Ninth Circuit Court, the sale of small forest products has slowed. The main sales affected by this injunction are the sale of firewood and salvageable timber.

B. Eastern Oregon/Washington

The demand for minor forest products on PD lands in both eastern Oregon and Washington is low. Reasons for the low demand include availability of products and scattered, forested BLM ownership. There are also far fewer special forest products available east of the Cascades. The Forest Service is the largest timber landowner on the eastside, with most of their lands blocked and well-marked. Most National Forests have good road systems with good transportation maps. For this reason local people are more apt to go to the Forest Service for their minor forest products. Most of the local people associate the BLM with rangeland and are surprised that the BLM has forested land. The Prineville District has not had a special sales program for the last four-to-five years. They do have four designated firewood areas (three juniper stands and one lodgepole stand). At the present time, the district spends less than one month monitoring firewood, home logs, and post and pole sales. They estimate that with more money and more public information, they could have one person spend approximately 50 percent of their time on special sales for the district. The Spokane District, conversely, sells less than 20 firewood permits. About 99 percent of these permits over the last five years have been for personal use.

These are the only special forest products that they sell. The reason for the few permits issued is, again, because of their scattered ownership, the inability to identify their ownership, and that for the most part, the foresters spend most of their time in the field working on timber sales. The receptionist writes all their permits and no one checks for compliance.

List of Options

1. Increase funding in both eastern Oregon and Washington to help monitor special forest products.
2. Retain the small sales administrator position in western Oregon.
3. Define State and/or District monitoring policies such as: do all products need to be monitored, who administers the permits, and how can the differences in the monitoring of permits between Districts be corrected.
4. Assure that those monitoring special forest products work closely with BLM law enforcement personnel.
5. Check for compliance with documentation in the monitoring phase.
6. Identify regulations or policies affecting monitoring.

Analysis of Options

1. Additional funding for both eastern Oregon and Washington would help monitor permits that are sold; but because of the small amount of permits sold, this may not be a cost effective measure.
2. With the amount of forest products available in western Oregon, this position is needed and may become more important as the monitoring phase becomes more significant.
3. The State Office or Districts need to work together to have some uniform procedures for monitoring these special forest products. They need to include specialists like botanists to help in this process.
4. The small sales administrator needs to work closely with law enforcement personnel to identify areas of concern, so that the law enforcement officers can help monitor some of the problem areas. The enforcement officers can help monitor high use areas such as firewood woodlots, especially over the weekend when most illegal activities occur.
5. Some type of documentation is needed to ensure that we are tracking the resource.
6. Assurance is needed that the monitoring is according to current management plans.

Recommendations (What, Where, When, and/or How)

Districts, if not the State, need to set guidelines for the monitoring of these small forest products, such as a list of items that should be monitored, how closely they want them monitored, and whether they want some type of documentation.

Because of low demand and the additional expense to monitor permits, it may prove to be too costly to monitor special forest products in eastern Oregon and Washington.

Standards need to be set and training provided for administrators on how to monitor permits.

There is a need to have small sales administrators in western Oregon. At the present time, the job will not be full-time so they will be available to help on other projects. Additional monitoring could make the position a full-time job.

Rationale

There is a definite need to monitor some of these special forest products to assure that we are complying with the Oregon Forest Practices Act and all Federal laws and regulations. We also need to assure that we are not depleting the resource, and that we are not causing any environmental damage to the resource.

Implementation Procedure

Incorporate the recommendations in this subissue with the main issue on Contract/Permit Administration.

ISSUE ANALYSIS
Special Forest Products Management

Major Issue: **CONTRACT/PERMIT ADMINISTRATION**

Subissue: **Need to Coordinate Consistency Between Districts and Agencies in the Administration for Special Forest Products**

Background or Present Situation/Practices
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A. Western Oregon

B. Eastern Oregon/Washington

To complete the background situation/practices, I contacted agencies in western Oregon, eastern Oregon, and Washington. I surveyed Federal, State, and private entities. I contacted two USFS and three BLM Districts. In addition, I contacted the Oregon State Department of Forestry, Willamette Industries, and Weyerhaeuser. Operating philosophies and missions are different between Federal, State, and private entities. I encountered a wide range of practices. Contact or coordination between agencies and companies concerning small forest products is minimal. This is complex because of the mixed ownership and policies. One private company is disappointed, because it was not invited to participate in the process.

The Federal and State sectors have one individual assigned per area or resource area. Contract administration is their primary duty. Private industry does not have an individual assigned as a full-time job of contract administration.

Each agency or company has an individual assigned in one capacity or another. No one knew how many hours per 100 permits that they dedicated to monitoring. Each individual stated that they needed to spend more time monitoring small forest product sales. Agencies and companies do not have standards for monitoring.

All agencies or companies contacted felt frustrated they could not determine the owner or the harvest site of small forest products. The standard contract language is absent.

There is a large number of permits issued. There is a large diversity in the kind and value of the permits/contracts. Permits are not issued in the field. Free use permits are a rarity. The Willamette National Forest utilizes G. I. Joe's as an agent to issue permits. No other agency has agents to issue permits. Private industry issues permits to people they know. Federal and State agencies issue permits on a first-come basis. The USFS is the only agency with a small sales database.

All agencies or companies have some kind of policy governing contract administration. Only one USFS District had a yearly plan. Some of the agency policies were partially verbal and partially written. Most individuals agreed that the existing policies were vague, confusing, and incomplete. Objectives for monitoring were absent in the Federal, State, and private sectors.

All individuals agreed that the terminology between permits, contracts, etc., must be redefined.

Contract/Permit Administration

The individuals assigned to permit or contract administration receive no special training.

Vehicle recognition is an important role in contract/permit administration. The public must know who we represent. BLM vehicles are the least recognizable vehicles. Uniforms play an important role in establishing who we represent. Private industry does not prescribe to any uniform policy.

When a permit/contract violation occurs, the procedure is the same for Federal, private, and State agencies. The agency or company revokes the permit. Agencies or companies do not deputize contract administrators. The USFS and BLM have law enforcement rangers that write violations. The State, private, and Federal agencies all contract with the county for law enforcement. There is no tracking of the violations for the repeated offenders.

All agencies contacted agreed that personnel assigned to contract administration of small forest products are placed at considerable personal risk.

List of Options

Draw up a Memorandum of Understanding between the Federal agencies, private companies, and State agencies. Involve all parties, and establish quarterly meetings with all concerned parties.

Standardize contract or permit language. Clarify the definitions for permits/contracts.

Develop and clarify policy statements concerning the sale and monitoring of small sales products. Develop standards for monitoring. Develop a database to track permits and offenders. Train all personnel to utilize the databases.

Develop a yearly plan similar to a timber sale plan. Budgeting could be based on the yearly plan.

Establish a common trip ticket that will be attached to each load that identifies the owner.

Provide and require common contract language (examples).

Increase the monitoring effort to insure compliance.

Deputize Federal employees to issue citations that are involved with small forest products.

Provide cross training for BLM Rangers and contract administrators, etc. Continue to utilize county deputies. Develop and provide training for contract administrators.

Utilize agents to issue permits/contracts in the field or at remote locations. Require contract administrators to issue permits/contracts in the field.

Require BLM personnel to wear uniforms as contract administrators. BLM vehicles need to be easily identifiable.

Analysis of Options

The existence of a Memorandum of Understanding between Federal agencies, private companies, and State agencies could enhance a cooperative attitude between all parties. Insure that our policies and practices are not causing other landowners' problems.

Developing a common trip ticket is a step that needs to be taken to assist in gaining compliance with the permits/contracts.

Cross training of law enforcement and contract administrators will provide a greater understanding of the administration problems.

Provide law enforcement training to personnel to reduce the risks. Personnel need to be trained in risk assessment. Request citation authority for contract administration.

Provide more visibility to employees involved in contract administration of small forest products with uniforms and clearly marked vehicles.

Establish a clear well-defined policy statement. Develop a yearly small forest products plan. The yearly budget for small forest products would be tied to the plan. Establish monitoring standards.

Standardize permit/contract terminology. Provide common contract language.

Utilize agents or volunteers to issue permits/contracts in the field or at remote locations. Require contract administrators to issue permits/contracts in the field.

Develop a database to track permits and offenders. Train all personnel to utilize the database. Share information with other agencies.

Recommendations (What, Where, When, and/or How)

Involve other agencies or private landowners in the process. Develop a Memorandum of Understanding between the Federal agencies, private companies, and State agencies. Agree to hold quarterly meetings with all parties. Insure we are not causing adjacent landowners' problems with our policies and practices.

Develop a common trip ticket so small forest products can be easily identified in the field. This will assist BLM and others with the compliance of permits/contracts.

Request citation authority for contract administrators. Cross training of law enforcement and contract administrators will provide a greater understanding of the administration problems. Provide law enforcement training to personnel to reduce the risks. Train personnel in risk assessment.

Contract/Permit Administration

Provide more visibility to employees involved in contract administration of special forest products. Require that administrators wear a uniform and drive a vehicle marked similar to law enforcement personnel.

Establish a clear, well-defined policy statement concerning the sale and monitoring of small forest products. Develop standards for the monitoring of small forest products.

Develop a yearly Special Forest Products Plan. The plan can serve as a basis for budgeting.

Standardize permit/contract terminology. Provide common contract language.

Utilize agents to issue permits/contracts in the field or at remote locations. Require contract administrators to issue permits/contracts in the field.

Develop a database to track permits and offenders. Train all personnel to utilize the database. Share the information with all agencies and companies.

Rationale

The implementation of the options will reduce the risk to all personnel and provide for a well-managed program.

Implementation Procedure

Incorporate the recommendations in this subissue with the main issue.

ISSUE ANALYSIS
Special Forest Products Management

Major Issue: **CONTRACT/PERMIT ADMINISTRATION**

Subissue: **Role of Law Enforcement in Permit/Contract Administration**

Background or Present Situation/Practices
--

A. Western Oregon

1. Sales administrators and law enforcement to work together: Due to budget and workmonth constraints, sales administrators and law enforcement individuals do not have the opportunity to work together very often. At best, information is exchanged about the location of permits which are currently active. If a "problem" with a permit arises, then the two parties will have a better chance of getting together. Most of the time, the two work together only when it is time to react. Administrators do suggest areas of high concern where additional law enforcement visibility would be useful.
2. Use the database to keep law enforcement informed: I checked with two westside Districts. Both law enforcement units felt they did receive information through the districts' database system. Roseburg had very specific information in their database available for law enforcement, i.e., vehicle license numbers, description, legal, driver's license number, etc.
3. Need uniform administration between Districts and agencies: There was a strong feeling from law enforcement that consistency was needed in permits and administration between Districts, especially Districts with similar products. Some westside Districts are currently issuing permits on each other; boughs, for example.
4. Need to issue tickets and violations: There were some inconsistencies about issuing a ticket versus giving a warning. All the Districts I talked with did say if a good case was present, then a ticket would be issued. However, in the situation where there could be some question about the evidence in a case, some would issue a ticket and others would give a warning.

B. Eastern Oregon/Washington

1. Sales administrators and law enforcement to work together: Here again, budget and workmonth constraints present a problem. I talked with three eastside Districts, and it seemed there was a good exchange of information between law enforcement and the contract administrators. Quite often permits are issued from the front desk, so law enforcement has the "administration" role.

Contract/Permit Administration

2. Use the database to keep law enforcement informed: It seems more information in the database and on the permits is needed, i.e., type of vehicle, driver's license, date of birth, complete name.
3. Need uniform administration between Districts and agencies: The general feeling was that consistency was needed in permit information requirements. Due to the product differences between eastside and westside, it was felt some requirements on the permit should be different. It was felt that a shorter permit life was needed for many of the permits issued on the eastside.
4. Need to issue tickets and violations: It appears there was no hesitation to issue tickets for violations on the eastside Districts I interviewed.

List of Options

1. Continue with the current status of law enforcement in permit/contract administration.
2. Decrease role of law enforcement in permit/contract administration.
3. Increase role of law enforcement in permit/contract administration.

Analysis of Options

1. Continue with the current status of law enforcement in permit/contract administration.

Advantages:

- People are familiar with the current situation. No need to develop new or different job requirements. No need to change current staffing or budget levels.

Disadvantages:

- The potential for permit requirement violations continues to remain high. Due to the low visibility of BLM personnel on many minor product permits, there is an "image" that the requirements on a permit or quite often, the permits, are not really required.

2. Decrease the role of law enforcement in permit/contract administration.

Advantages:

- Frees up law enforcement personnel to work on other projects.

Disadvantages:

- There would be a decrease in the number of case prosecuted annually. Violations already appear to be at a high level; and with less administration/visibility, violations can be expected to increase. Reduces personnel visibility, which over

time decreases the image of the agency as properly managing the resources in the public's eye.

3. Increase the role of law enforcement in permit/contract administration.

Advantages:

- Increased compliance of permits leading to a more "controlled" management of resources being sold. Higher visibility increases public awareness of the agency's priority in "managing" the resources, leading to a better public image.

Disadvantages:

- Requires either an increase in staffing and budget and/or reduces the time law enforcement can spend on other required duties.

Recommendations (What, Where, When, and/or How)
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It is recommended that the role of law enforcement in permit/contract administration be increased. An adequate budget for staffing and/or use of law enforcement agency contracts is required to implement any program properly.

Improve coordination and communications between the contract administrators and law enforcement. This can be accomplished through either scheduled meetings or a systematic method of routing information concerning permits and contracts.

Develop a database which has pertinent information which is available to law enforcement. Analyze existing database systems, especially the one being used by the Roseburg District, to see if they are sufficient or if they can be modified for the remainder of the state.

An increase in inspection coverage in permit areas would improve the overall visibility of agency personnel/law enforcement. This, in turn, would increase the public's awareness that the agency does take the administration of minor products seriously, and that the permits are in fact being administered.

There is a need to develop uniform requirements for similar products. This includes standard exhibits, contract lengths, and product values. If multi-district permits are being issued, then pertinent information needs to be transferred between Districts and similar administration be enforced.

Law enforcement personnel need the ability to decide if a citation or a warning should be issued. This is often a judgement call which must be decided on the spot; and law enforcement has to have this option to be able to operate effectively.

Rationale

BLM is given the responsibility to manage many resources. The use of permits and contracts is one mechanism the agency uses in managing these resources. If the requirements in these permits are not being monitored and administered properly, then the overall task of resource management is not being accomplished to the proper level.

Implementation Procedure

An analysis of workload needs for law enforcement personnel by each District needs to be completed. Some Districts may already be adequately staffed, whereas others may need increases in law enforcement personnel and budgets.

Each District needs to analyze current processes and assure there is a good system for communication exchange between contract administrators and law enforcement personnel. This exchange has to be completed in a timely manner.

An analysis of existing database systems in use needs to be completed and a system incorporated or developed which contains all pertinent information needed by law enforcement. This infers an adequate system is in place or will be developed to collect this information at the time permits are written. An example of helpful information would be vehicle type, vehicle license number, Social Security number, and driver's license number. This needs to be done at the State Office level to assure consistency throughout the state.

ISSUE ANALYSIS
Special Forest Products Management

Major Issue: **CONTRACT/PERMIT ADMINISTRATION**

Subissue: **Conflicts Between Users/Language Barriers**

Background or Present Situation/Practices
--

A. Western Oregon

Generally, it is first-come, first-served--except for personal use fuel wood--where public, noncommercial use is given priority in most Districts. Exceptions to this are areas with fuel wood behind locked gates. Some Districts feel commercial users are cutting under the guise of personal use. Moss and bough permits have been problems with historical use by certain individuals. Finder's rights are still practiced by most Districts except in commercial needs. Product use conflicts don't seem to be a problem. Language barriers seem to be confined primarily to westside, especially Salem and Roseburg, and specifically with Asians. Roseburg is using multilingual permit attachments; Salem is not making any special arrangements. Salem's experiences were more related to indiscriminant use of the area by permittees, trash and debris left in the area. One resource area stopped issuing permits for bear grass. Medford is using an attachment for Hispanic-speaking peoples. With the high moss demand in Tillamook, problems are anticipated.

B. Eastern Oregon/Washington

The primary difference between PD lands and westside is that the demand for most products is not high; and availability is, therefore, not a problem. Washington sells primarily only fuel wood and even at that not very much. Burns and Baker anticipate a future problem regarding bough collection (Baker sold 250,000 lbs. in 1991.). They have not experienced any language barrier problems, even though they have a broad spectrum of Asians as permittees (Laotians, Cambodians, and Vietnamese). They have, however, noticed some animosity between these people; and it is a cultural phenomenon, so they could probably anticipate some conflict in the future. Klamath has had some minor difficulty with Hispanic-speaking people, primarily with Christmas trees and pine cone collection.

List of Options

1. Coordinate with USFS on eastside.
2. Use competitive bidding on some products.

Contract/Permit Administration

3. First-come, first-served policy.
4. Continue as present.
5. Designate permittee on overlay, limit duration, one permit/area.
6. Finder's rights to continue, provide funding.
7. No special treatment.
8. Attach bilingual stipulations, attachments.
9. Anticipate continuing cultural changes/demands from the public.
10. Anticipate product use conflicts as research and development continues.

Analysis of Options

1. Coordinate with USFS. Suggestion was made by the Burns District since in their case the USFS satisfies the majority of commercial and noncommercial needs in that area for most products, permittees probably don't distinguish between agencies anyway, and coordination is more applicable to their locale. Billing and accounting problems are a given between USFS/BLM.
2. Use only the competitive bidding process for some or most products that have high demand. For boughs and Juniper berries, there is a large demand on the eastside. Providing this option to any or all Districts "tailors" the program to fit the need. The public receives fair market value for a valuable resource. Provides ability to avoid noncompliance associated with certain ethnic groups and their most favored products through bonding abilities. Creates more workload where adequate time for the current program is not enough.
3. First-come, first-served except for fuel wood products; requires least involvement on our part. Can still establish designated areas to avoid conflicts; however, will still have conflict with some individuals.
4. Continue all current practices--status quo. May work for some offices, allows most flexibility, autonomy. Provides little consistency between offices and is not proactive considering changing public and decreased resource availability.
5. Delineate permittee areas and limit duration--method used most to avoid conflict, overlay or map in central area to avoid duplicative permits, provides opportunity for more permittees. Provides better contract compliance.
6. Both east and westsides agree finder's rights are viable to provide products. Main concern is adequate funding for Special Forest Products Officer to do the work. This

seems to be the way we are currently selling the majority of our "special products." It is labor intensive and requires the most field time.

7. No special treatment--not a viable option. BLM is committed to meeting resource needs and establishing and maintaining the image of a responsible agency to all our publics.
8. Attach bilingual specifications, provisions, and instructions when necessary; perhaps consider bilingual phone answering instructions. Make available to all offices.
9. Anticipate continuing changes in the public makeup and changes in what the public is demanding. This is the most proactive position and avoids "last minute" decisions, policy guidelines, and inconsistencies between Districts. This allows for a smooth transition into the twentieth century and will allow us to meet the "customers' needs" and new resource needs more effectively.
10. Anticipate product use conflicts as new uses for special forest products are found. This is also a proactive position. Anything BLM can do to "future" or provide latitude for alternate product uses should avoid "crisis management" situations and allow BLM to more effectively meet the public and industry's needs.

Recommendations (What, Where, When, and/or How)
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Language Barriers

Immediately provide existing or newly designed bilingual contract and permit specifications, addendums, and instructions to all offices (see attached examples from Roseburg and Medford). Through local office Volunteer Coordinators or Personnel Officers, arrange to have existing bilingual employees and/or volunteers designated and available to assist with office and/or field administration. Utilize the local universities and/or the Portland Language Bank on an "as needed" contract to provide interpretation and translation services. Also, have public news releases, especially in major ethnic newspapers, published quarterly to explain BLM procedures regarding the purchase and extraction of vegetative resources from the public and O&C lands.

Be proactive and contract translation and printing services now for Hispanic, Russian, and Asian translated permits and/or permittee instructions and specifications (standard specs). These need only be a reproducible form that BLM could duplicate and use as needed. Produce short, concise videos for each of the above languages explaining the BLM contract and permit system and the particular requirements for removal of specific resources from public lands. These could be viewed by prospective purchasers prior to execution of the contract. The purchaser would acknowledge in the appropriate place on the contract that he/she had viewed the video. Standardize the use of these tools for the entire Oregon/Washington area.

Conflicts Between Users

Continue to honor "first-come, first-served practice" except when conflict between commercial and noncommercial interests are anticipated. Attempt to satisfy both public "personal use" requests and commercial requests by designating commercial areas versus recreational (personal use) areas. Proposed load tickets and the new database will resolve illegal commercial cutting on, and requests for, personal permits. "Finder's rights" should continue to be practiced for negotiated sales only (see Guidelines for When to Advertise a Sale versus a Negotiated Sale under Contracts Issues). This is highly intensive, requiring considerable time to process and administer (funding peculiar to special forest product activity is necessary). Current manual guidance gives the Contracting Officer authority to advertise and sell any product on a competitive basis. Implement these guidelines whenever there is competitive interest in a product, regardless of the value or product. All offices should immediately utilize either the GIS mapping capability or a large scale map to "track" purchasers and permittees' locations, duration of the contract or permit, and identification numbers (license plate number). This map should be centrally located and faithfully completed and updated. Resources or products from specific resources which have dual uses or values should be identified; and based on District or area requests, sold for their most valuable uses. This should be a statewide effort aimed at being all inclusive.

Rationale

The implementation of the recommended actions for each subissue will provide the user, as well as BLM, with clear identifiable goals and instructions on disposition, use, and the harvest contracting of these resources from public lands, thereby allowing for a consistent, well-managed program.

Implementation Procedure

Each of the above recommendations in both subissues should be incorporated into the main issue. Specific developments such as drafting, video production, and product use lists is not within the scope of this working group. These would need to be done either through the State Office or a small select group of interested employees.

WHERE YOU SEE THESE SIGNS,
DO NOT GATHER BEARGRASS OR SALAL.
KEEP OUT OF THESE AREAS.

ಎನ್‌ಕೌಂಟರ್‌ನಲ್ಲಿರುವ ಪ್ರದೇಶವು ಸಂರಕ್ಷಣೆ ಮತ್ತು ಅಭಿವೃದ್ಧಿಗಾಗಿ
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ಇವೆ. ಇವುಗಳನ್ನು ಕಾಪಾಡಿಕೊಳ್ಳುವುದು ಅವಶ್ಯಕವಾಗಿದೆ.



UNITED STATES DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT



VEGETATION STUDY AREA

Special Study Site for the
Conservation and Development
of the Public Lands

Please cooperate in maintaining
this study area undisturbed



UNITED STATES DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT



BIOLOGICAL STUDY AREA

Special Study Site for the
Conservation and Development
of the Public Lands

Please cooperate in maintaining
this study area undisturbed

BOUGH CUTTING INSTRUCTIONS

INSTRUCCIONES DEL CORTE DE LAS RAMAS

Attachment 6b

Attached To And Made A Part Of Contract # _____

POR FAVOR HACER PARTE DEL CONTRATO Y
SEGUAR CON EL CONTRATO.

Do not cut anything from trees
less than 15 feet in height.

NO CORTE NADA DE LOS ARBOLES QUE
MIDEN MENOS DE 15 PIES.

Boughs may be cut next to trunk or
outer 18 inches as long as there
is still a minimum of 12 inches of
green needles as shown in drawing
below.

SE PUEDE CORTAR LAS RAMAS JUNTAS
AL TRONCO O DE 18 PULGADAS HACIA
EL EXTERIOR SIEMPRE Y CUANDO QUEDA
UN MINIMO DE 12 PULGADAS DE AGUJAS
COMO ESTA MOSTRADO EN EL DIBUJO
ABAJO.

No cutting upper two thirds of
crown.

NO SE CORTA LA PARTE ALTA QUE ESTA
A DOS TERCIOS DE LA CORONA.

Okay to cut lower one third of
crown.

SE PUEDE CORTAR LA PARTE BAJA QUE
ESTA A UN TERCIO DE LA CORONA.

Bough
RAMA

Trunk
TRONCO

May be cut near trunk.
SE PUEDE CORTAR CERCA DEL TRONCO.

Or outer 18 inches.
O DE 18 PULGADAS
HACIA EL EXTERIOR.

12 inch minimum
12 PULGADAS MIN.

Cedar
CEDRO

Pine
PINO

Firs
ABETO

I have read and understand the
above instructions.

HE LEIDO Y ENTIENDO LAS
INSTRUCCIONES DE ARRIBA

1. Purchaser must cut only in the township, range and section shown on the permit.
2. Purchaser will be required to have weight tickets or verification on weight from where purchaser is reselling material.
3. Permit may not be transferred or duplicated.
4. Any violation of the above instructions will result in the cancellation of the permit.

1. El Comprador debe cortar solamente en el sexmo, tiro y seccion escrito en el permiso.
2. El Comprador necesita el talon de peso o versificacion de peso, del lugar donde va a revender el material.
3. El permiso no lo debe de duplicar y no es transferible.
4. Cualquier violacion a contra del permiso es suficiente causa para terminar o cancelar este permiso.

- (a) Todo el material en la area menos la cantidad escrito en el permiso es reservado por el Gobierno.

Deposicion de mas que la cantida escrito en el permiso es una violacion del contrato y castigo por la ley.

BEAR GRASS

Effective October 18, 1990, the following are the stipulations and requirements for picking bear grass on the Roseburg District, Bureau of Land Management:

1. The cost is 10¢ per bunch, with a 200 bunch minimum. That means the minimum cost per permit is \$20.00. (It is assumed that 200 bunches would weight about 400 pounds.)
2. The period for which the permit is written is 7 days (1 week). For 400 bunches, (\$40.00), the permit will be valid for 14 days (2 weeks).
3. The permit is valid for public lands administered by BLM (except for excluded lands shown on bear grass map) within the designated resource area. The permit is not valid for private lands. Do not trespass onto private lands.
4. Each person involved in gathering, bundling, carrying bear grass, or assisting in a work party in any other way must obtain a bear grass permit.
5. A BLM map of the resource area for which the permit is written must be obtained by at least one person in a work party. It is impossible to find BLM lands or know resource area boundaries without one. After the initial map is purchased, future permits for an area can be issued if the original map is brought along.
6. Do not litter anywhere. Pack out all garbage. Many complaints have been made about bear grass pickers leaving a mess. Please cooperate. Your mess will stay behind a long time to tell an ugly story about you.
7. No gunfire.
8. Stay out of exclusion areas shown on bear grass map.
9. Do not enter where you see a "No Trespassing" sign, or where there is a closed gate.
10. Stay out of active logging areas.
11. Watch out for logging trucks and other traffic.
12. When parking to gather bear grass or to rest, be sure you do not create a traffic hazard. Choose your parking spot carefully.

NOTE: Extensive violations of the above stipulations and requirements will result in a complete shutdown of the bear grass program on the Roseburg District.

ISSUE ANALYSIS

Special Forest Products Management

Major Issue: MANAGEMENT DIRECTION

The sales of special forest products such as firewood, posts, ferns, mushrooms, etc., has been a longstanding practice and is an important part of BLM's western Oregon forest management program. Both negotiated and advertised sales provide significant receipts, contribute to local employment, and meet public needs.

The management direction for Oregon's special forest products program is to provide for maximum public use of a variety of forest resources consistent with other resource allocations, uses, and the principles of sustained yield. This management direction is the foundation for western Oregon's special forest products program.

Demands are placed on BLM lands and forest resources to meet a wide variety of forest products. These increasing demands have placed an importance on the ability to effectively and efficiently manage a very diverse product related program. To insure the special forest products program is successful, managers need to take a proactive role. This role includes the commitment of dollar and employee resources toward contract execution and administered, up-to-date prices that reflect fair market values, minor forest product resource inventories and monitoring, and an active public information program. Effective management of the special forest product program can be an excellent method for developing strong and positive relationships with BLM's neighbors. Management of the special forest product program also will result in meeting long-term demands for a variety of forest products.

ISSUE ANALYSIS
Special Forest Products Management

Major Issue: CONTRACTS

Subissue: Use of Proper Contract Forms

Background or Present Situation/Practices
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Form 5450-1 is a formalized contract for the sale of vegetative resources (those not measured in board feet). It contains numerous specifications for the protection of the government and the environment and has no dollar limit or minimum amount. It is rarely used for the sale of special forest products because of the amount of material sold; the need for a quicker administrative process; it is not conducive to field sales; and the need for protection of the government or the environment is minimal. Presently can't sell lump sum or by scale using this form.

Form 5450-3 is a formalized contract for the lump sum sale of timber. It contains numerous specifications for the protection of the government and the environment and has no dollar limit or minimum amount. It is rarely used for the sale of special forest products because of the amount of material sold; the need for a quicker administrative process; it is not conducive to field sales; and the need for protection of the government or the environment is minimal.

Form 5450-4 is a formalized contract for the sale of timber under a scale sale. It contains numerous specifications for the protection of the government and the environment and has no dollar limit or minimum amount. It is rarely used because of the amount of material sold; the need for a quicker administrative process; it is not conducive to field sales; and the need for protection of the government or the environment is minimal.

Current practice is to use Form 5450-5 rather than forms 5450-1, 5450-3, or 5450-4. This is because of its ease of preparation since it is normally only one page with carbon copies. Administrative systems within the office are already set up to use this form. Normally, sales under \$2500 currently contain enough constraints (specifications) to minimize environmental impacts. It is flexible in that it allows the incorporation of special stipulations, if necessary.

List of Options

1. Continue the use of forms as presently done.
2. Use forms 5450-1 and 5450-3 more often.
3. Increase the dollar limit on 5450-5.
4. Discontinue the use of all forms.

Analysis of Options

1. Continue the use of forms as presently done.

Advantages:

- Preferred method of most Districts.
- Employees are familiar with current uses so minimal training in their use would be required.
- Various publics are familiar with these forms as currently used.
- Forms are being properly used in almost all cases.

Disadvantages:

- In rare cases forms are being improperly used.
- Use of 5450-5 may be used when conditions actually dictate the use of 5450-1 or 5450-3.
- Requires a better understanding of the forms and their use.
- Some concerns may be overlooked or not addressed when using 5450-5.

2. Use forms 5450-1 and 5450-3 more often.

Advantages:

- Chance of concerns being overlooked is minimized.
- More protection for government, if necessary.
- Bonding requirements and rights for extension are built into these forms.

Disadvantages:

- Various publics are not familiar with these forms and all the legalese contained in them.
- More time consuming to prepare.
- Must be signed by the Area Manager.
- Normally needs to be prepared in the office because of the need for copies.
- Perception that more people need to be involved in sale review.

3. Increase the dollar limit on 5450-5.

Advantages:

- Be able to sell more material on one contract, while still using the form as intended.

Disadvantages:

- If value increases over the present amount, a bond must be added to the contract.
- Might encourage the sale of material that needs more evaluation.

4. Discontinue the use of all forms.

Advantages:

- New forms would have to be developed to meet current needs.

Disadvantages:

- Too numerous to mention.

Recommendations (What, Where, When, and/or How)

It is the recommendation of this team to:

1. Give detailed instructions in the handbook as to when and how to use the various forms.
2. Review, revise, and update, as needed, the various forms (within the next five years).

Rationale

This is the preferred method of most Districts. The employees are familiar with current uses so minimal training in their use would be required. Also, the various publics are familiar with these forms as used. In addition to this, the forms are currently being properly used in almost all cases.

Implementation Procedure

A handbook should be prepared containing specific guidelines on when (under what circumstances) the various forms should be used. Training should then be given on these changes.

The changes needed in the forms (mainly 5450-5) should be developed by the team preparing the handbook.

ISSUE ANALYSIS
Special Forest Products Management

Major Issue: CONTRACTS

Subissue: Use of Long-Term Lease Contract

Background or Present Situation/Practices

Currently, none of the Districts are using long-term lease contracts with their special forest products programs. The Eugene District has used long-term lease contracts for tree planting and plantation maintenance. The Willamette National Forest uses long-term lease contracts for bough sales. The Medford District is considering the use of long-term lease contracts for boughs under power lines.

List of Options

1. Do not use long-term lease contracts in conjunction with the special forest products program.
2. Allow the use of long-term lease contracts where products can be harvested over several years, propagation of the product is improved with proper cutting or management, or management of the product has a side benefit that is valuable to BLM.

Analysis of Options

1. Do not use long-term lease contracts in conjunction with the special forest products program.

Advantages:

- No change from the current situation.
- Do not need to develop contract, forms, or guidance.

Disadvantages:

- May be losing opportunities to reduce costs, improve productivity, or services.

2. Use of long-term lease contracts may have benefits to both BLM and the users of special forest products.

Advantages:

- Where products can be harvested over several years (for example, boughs, greenery, bear grass), a long-term lease contract could be let for a multi-year period. This would reduce BLM contracting costs, assure suppliers of continued supplies, and reduce the possibility of overharvest of the resource.

Contracts

- Where propagation of a product is improved with cutting (example, boughs), if a contractor knows they will be coming back to the same area for several years, they can cut boughs in such a manner as to cause branching which increases both the yield and the quality. A contractor who may not be able to contract for the same area in following years has no incentive to do anything but to remove as much material as possible while they have the chance.
- Management of some products may have side benefits to BLM. For example, growing Christmas trees or bough producing trees underneath high voltage powerlines would allow BLM to manage that land for a useful, valuable product and still maintain vegetative control within the R/W, while not interfering with the powerlines. Christmas trees could also be grown between crop trees in forest plantations. This could shift the burden of plantation maintenance and precommercial thinning to the contractor.

Disadvantages:

- No forms, contracts, or guidance currently exist for the use of long-term lease contracts in conjunction with special forest products. These would have to be developed.

Recommendations (What, Where, When, and/or How)

Allow the use of long-term lease contracts where Districts will benefit from them.

Rationale

Long-term lease contracts may not work in all Districts or for all products in any Districts. Where they will work, we should take advantage of any increase in cost savings, product output, or land use.

Implementation Procedure

The first step would be to develop guidelines for long-term lease contracts. Guidelines would need to address purchaser qualifications, contract length, bonding, appraisal, oral and/or sealed auction, violation, modification, default, and probably a few other things. These would be incorporated into the Special Forest Products Handbook.

ISSUE ANALYSIS
Special Forest Products Management

Major Issue: CONTRACTS

Subissue: Bonding Requirements, Length of Contract/Permit, Extensions of Contract/Permit, Special Provisions

Background or Present Situation/Practices
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Bonding

Bonding is required on sales of over \$2500 (minimum of 20 percent), and is discretionary on sales of less than \$2500 (43 CFR 5451). Form 5450-5 has no provisions for requiring a bond, but some districts add a bonding requirement under Section 3 Special Provisions. Bonding requirements are contained in the standard provisions of Forms 5450-1 and 5450-3 which must be used for sales in excess of \$2500 under current conditions.

Length of Contract/Permit

We could find no laws, rules, or regulations that prescribe a time limit on sales of minor forest products, only that the term for which the contract is valid must be stated (43 CFR 5424). All of the Districts appear to be using a similar approach to determining the length of the contract/permit; that is, to allow a reasonable amount of time to operate the contract but no more than is necessary. It is commonly felt that too much time is an invitation to theft. Likewise, too little time can and has caused problems when a purchaser cannot operate the contract/permit due to circumstances out of their control, i.e., weather, health problems, etc. Some Districts have established recommended contract time lengths for contracts/permits based on quantity and type of product.

Extensions of the Contract/Permit

It is commonly believed that Form 5450-5 cannot be extended. This belief may be based on the fact that while Forms 5450-1 and -3 contain stipulations in their "boiler plates" that address extensions, Form 5450-5 does not. Form 5450-5, however, does not contain anything in its boiler plate that prohibits extensions. In fact, it appears that any of the contract/permit forms would allow extensions. The conditions for extension are spelled out in 43 CFR 5473. While it is our belief that Form 5450-5 can legally be extended, it would appear that most Districts discourage granting extensions.

Special Provisions

Most Districts either have developed or are developing special provision attachments for some, if not all, of the products they sell. These attachments are designed and intended to be used with Form 5450-5 but could also be used with Forms 5450-1 and -3. Some Districts have translated some product special provisions attachments into foreign languages (see issue 5). To date, there appears to have been no effort to coordinate special provisions between Districts. The special provisions have been developed at the Districts and by-and-large have not been subjected to State

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Office or Solicitor's Office review. Many of the special provisions, however, are adapted from those found in Timber Sale Handbook H-5420-1 Appendix 6.

List of Options

Bonding

1. Status quo. Require bonds (minimum of 20 percent) on sales made on Forms 5450-1 and 5450-3 in excess of \$2500. Allow discretionary use of bonds for lesser sales made on either 5450-1, -3, or -5.
2. Do not allow the use of bonds in conjunction with Form 5450-5. Require the use of 5450-1 and/or 5450-3 whenever a bond is deemed to be necessary.

Length of Contract/Permit

1. Status quo. Allow individual Districts, Resource Areas, and/or Authorized Officers to negotiate contract/permit terms based upon the purchaser's needs and local guidelines.
2. Establish set time lengths for each product.

Extensions of the Contract/Permit

1. Do not allow extensions of contracts/permits written on Form 5450-5.
2. Allow extensions of all contracts/permits in accordance with 43 CFR 5473.

Special Provisions

1. Allow each Small Sales Officer to develop and use special provisions as they feel is necessary.
2. The Oregon State Office will develop a series of approved special provisions. Use of nonapproved special provisions will not be allowed.
3. Each District produces a special provision attachment for each of the special forest products that they sell. Districts will be required to submit their special provision attachments to the State Office which will then review the special provisions as they are received from the Districts. Comments will be made only if there is a problem with any of the specific provisions. The State Office will then send all Districts a copy of these provisions.

Analysis of Options

Bonding

1. Status quo. Require bonds (20 percent) on sales made on Forms 5450-1 and 5450-3 in excess of \$2500. Allow discretionary use of bonds for lesser sales made on either 5450-1, -3, or -5.

Advantages:

- Allows maximum flexibility to managers while still meeting the requirements of CFRs.
- No turmoil created by changing the current operation systems.
- Allows for protection of government interests where appropriate and provides faster service via 5450-5.

Disadvantages:

- Form 5450-5 was designed for field use. Requiring the use of a bond in conjunction may defeat the intended purpose. If the transaction is going to take place in the office, it might as well be done on Forms 5450-1 or 5450-3.

2. Do not allow the use of bonds in conjunction with Form 5450-5. Require the use of 5450-1 and/or 5450-3 whenever a bond is deemed to be necessary.

Advantages:

- Bonding requirement is already included in the "boiler plate" of Forms 5450-1 and 5450-3.
- Bonding is usually desired when additional protection for the resources or the government is needed. Forms 5450-1 and -3 provide this greater protection through their "boiler plates."
- When you get right down to it, it does not take much longer to write out a contract on Form 5450-1 than it does to write out a 5450-5.

Disadvantages:

- Forms 5450-1 and -3 are not as convenient to fill out in the field because they are not multiple copy forms.
- There is a strong perception that more work is required to prepare a contract using Forms 5450-1 or -3; contracts have to be typed, files established and maintained, contracts officially terminated, ID teams have to be involved, EAs have to be written, etc. Some of these perceptions are incorrect; some are correct; and some are correct but should also apply to sales prepared on Form 5450-5. The perceptions, however, are there; and they are real.

Length of Contract/Permit

1. Status quo. Allow individual Districts, Resource Areas, and/or Authorized Officers to negotiate contract/permit terms based upon the purchaser's needs and local guidelines.

Advantages:

- Permits maximum flexibility to make decisions based on local conditions.

Disadvantages:

- May result in inconsistencies between Districts or even between Resource Areas.

2. Establish set time lengths for each product.

Advantages:

- Consistency would be achieved.

Disadvantages:

- A panel of "experts" would have to be convened to come up with harvest times for each product.

Contracts

- If consistency between Districts were truly achieved, then local differences in conditions would not be recognized.
- Takes professional decision making away from the Authorized Officer.

Extensions of the Contract/Permit

1. Do not allow extensions of contracts/permits written on Form 5450-5.

Advantages:

- Operationally, this is what almost everyone is currently doing.
- Keeps 5450-5 sales clean, simple, easy to understand and administer.
- Form 5450-5 sales tend to be for relatively low values for fairly short lengths of time. Offering extensions on these sales is contrary to the character and intent of the form.

Disadvantages:

- At times there are legitimate reasons why a 5450-5 contract/permit should be extended -- weather, unexpected health problems, fire closure. To not extend the contract/permit under these circumstances fails to serve the public and makes us appear obtuse and bureaucratic.
- There is no legal justification to support this action.
- If the Authorized Officer knows that a contract/permit cannot be extended, they may be more generous in establishing the time allowed for operations, resulting in longer contract lengths.

2. Allow extensions of all contracts/permits in accordance with 43 CFR 5473.

Advantages:

- Provides better service to the public.
- Is consistent with regulations (43 CFR 5473).
- If the Authorized Officer knows that a contract/permit can be extended, they can be stricter in establishing the time allowed for operations.
- Contracts/permits can now be written on Form 5450-5 for up to \$2500. This is an appreciable sum of money that could be a substantial loss to a purchaser if they could not operate their contract/permit due to some circumstance outside of their control.

Disadvantages:

- The application process outlined in 43 CFR 5473 requires a written request for extension to be submitted prior to the expiration of the contract/permit. Furthermore, the purchaser is required to have made a good faith effort to complete the contract/permit in a timely manner. Given the fact that most contracts/permits written on Form 5450-5 are of limited duration, if sufficient time was allowed at the start of the contract/permit and the purchaser worked diligently on the permit, there should not be much material remaining at the time of expiration.

Special Provisions

1. Allow each Small Sales Officer to develop and use special provisions as they feel is necessary.

Advantages:

- This allows the maximum freedom and latitude to the professional preparing a special forest product sale.
- Each permit can be individually tailored to the site specific concerns for the given sale.
- This is basically the way we have prepared these permits for years.

Disadvantages:

- Any consistency between District, Resource Area, or possibly even between permits will be strictly coincidental.
- Increases the possibility that a stipulation may be forgotten and not included on a permit.
- There is no control over what stipulations might be written. Could cause legal problems if poorly written stips are included in a permit.
- Might not have the input of specialists (biologist, botanist, law enforcement, etc.) in the preparation of the special stipulations.

2. The Oregon State Office will develop a series of approved special provisions. Use of nonapproved special provisions will not be allowed.

Advantages:

- Maximum amount of control (for the State Office).
- This is basically how special stipulations are used in advertised timber sales issued on Forms 5450-3 and -4.
- Should minimize potential legal problems since all stipulations will have been approved by the State Office and the Solicitor's Office.
- This will maximize consistency in how special stipulations are used, if not which special stipulations are used.

Disadvantages:

- It will be virtually impossible for the State Office or anyone else to enforce the prohibition on the nonuse of unapproved stipulations.
- Stipulations in Timber Sale Handbook H-5420-1 Appendix 6 are commonly adapted for site specific circumstances in timber sales. The same would happen here. Thus, there is only an illusion of control.
- Limits the ability of the permit writer to tailor the permit to site specific circumstances.

3. Using an ID team approach, each District produces a special provision attachment for each of the special forest products that they sell. Districts will be required to submit their special provision attachments to the State Office who will review the special provisions as they are received. Comments will be made only if there is a problem with specific provisions. The State Office will then send all Districts a copy of these provisions.

Advantages:

- Attachments are locally produced allowing tailoring to site specific District needs and concerns.
- Having all of the special stipulations generally needed for a specific product together on one page will: reduce the time necessary to write a permit, insure within-District consistency, and allow for a variety of specialist input into how stips are prepared.

Contracts

- State Office review will be non-intrusive but will insure legal propriety of the special stipulations.
- State Office dissemination of these provisions will promote an exchange of ideas and should improve consistency between Districts.

Disadvantages:

- Some Resource Areas may feel that their individuality in how they prepare special stipulations is threatened or curtailed.
- State Office may try to change the expressed needs of the Districts as shown in the wording of their individual provision packages.

Recommendations (What, Where, When, and/or How)
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Bonding

Do not allow use of bonds, except cash bonds, in conjunction with Form 5450-5. Form 1822-4, Cash Bond, should be changed to allow the Authorized Officer to sign (not just the Contracting Officer). Require the use of 5450-1 and/or 5450-3 whenever another form of bond is deemed to be necessary.

Length of Contract/Permit

Status quo. Allow individual Districts, Resource Areas, and/or Authorized Officers to determine contract/permit terms based upon government needs, the purchaser's needs, and local guidelines.

Extensions of the Contract/Permit

Allow extensions of all contracts/permits in accordance with 43 CFR 5473. This section of the CFR discourages extensions.

The Solicitor should review this recommendation for legality.

Special Stipulations

Option 3. Each District produces a special provision attachment for each of the special forest products that they sell. Districts will be required to submit their special provision attachments to the State Office. The State Office will review the special provisions as they are received from the Districts, but will comment only if there is a problem with specific provisions. The State Office will then disseminate these provisions to all Districts.

Rationale

Bonding

Form 5450-5 is intended for use in the field. The simplest and most likely bond to be used in conjunction with a sale made on Form 5450-5 would be a Cash Bond, Form 1822-4. This bond requires the signature of the Contracting Officer (Area Manager). Changing this to allow signature by the Authorized Officer will allow bonded sales in the field and will encourage the use of bonds when using Form 5450-5. If the sale is to take place in the office, using Form

5450-1 or -3 is just about as fast and easy as using 5450-5. The bonding requirements are already written in Form 5450-1 and -3, making it unnecessary to handwrite the requirements as would be necessary for 5450-5. This also eliminates a potential source of errors.

Length of Contract/Permit

Local managers best know their product base, their operators, and their operating conditions. Those conditions and operators are different from one District to another. To best serve our public, we must be responsive to those differences. District employees are already sensitive to the need to keep contract/permit lengths as short as possible and still be reasonable. Consistency is also desirable, especially where conditions are not drastically different. Districts, therefore, should be encouraged to establish their own *guidelines* on contract length. These guidelines would not be intended as hard and fast rules, just recommended time frames. To enhance consistency but still allow for local discretion, adjoining Districts should communicate with each other and make their guidelines as close as possible while still considering their own unique conditions.

Extensions of the Contract/Permit

Extensions of contracts/permits written on Form 5450-5 should be allowed as necessary to better provide public service. It should also be very clear that extensions are to follow the requirements of 43 CFR 5473 and are the exception to the rule and not the norm.

Special Provisions

This is really the best of all worlds. Local control is ensured through District preparation of special provision attachments. The State Office still has oversight responsibility and will insure the appropriateness of stipulations. Consistency, where desirable and possible, is the probable outcome of inter-District sharing. Best of all, if all Resource Areas and program specialists are represented in the preparation of their District's special stipulation attachments, there are no negatives.

Implementation Procedure

The policy should be stated as part of the Special Forest Products Management Policy or Handbook that is to be forthcoming as a result of the current review and evaluation. Special emphasis should be placed on the fact that sales made on Forms 5450-1 and 5450-3 may be handwritten and do not need any more environmental review or documentation than does an equivalent sale written on Form 5450-5. Since the issuance of the Special Forest Products Management Policy and/or Handbook may be a couple of years off, we would suggest that the State Office prepare and send out an Instruction Memorandum stating the interim policy.

ISSUE ANALYSIS
Special Forest Products Management

Major Issue: CONTRACTS

Subissue: Multi-District/Agency Permits

Background or Present Situation/Practices
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Multi-District Permits

The special forest products program has not had activity in the issuance of multi-district permits. A multi-district permit is understood to be a contract that is valid in a multitude of BLM Resource Areas, including Resource Areas in different BLM Districts. Actually, the issuance of multi-Resource Area permits within the same District is not a standard practice. Since the responsibility to sell and manage the vegetative resources lies with the Resource Area Manager, an inquiry by the public for a permit is referred to a specific Resource Area representative. If the individual requests a permit in geographic locations outside that Resource Area, he is referred to that respective Resource Area representative. Resource Areas often have different management policies concerning specific products. Distinction between geographic variations is an important factor in making resource management decisions.

A more common situation is for a Resource Area representative to request administrative help (collect money and write a permit) from a different BLM Resource Area. This would mainly be for the convenience of the public. The respective administration unit's restrictions would be included as a provision of the permit.

The USFS has more numerous office locations that are often closer to the BLM permittee. The Grants Pass Resource Area in the Medford District sells firewood and Christmas tree permits through Forest Service reception desks in the Galice Ranger District and the Illinois Valley Ranger District. The USFS employees sell permits only to specific local firewood areas as directed by the BLM manager. BLM Christmas tree permits are not interchangeable with USFS permits. Other BLM districts have similar situations.

Multi-Agency Permits

The sale of special forest products has not generated a need for multi-agency permits. The BLM does not authorize permits for USFS land and vice versa. The administrative help as described above does not concede program management decisions to the assisting agency.

The new load tickets have both a USFS logo and a BLM logo on the face. This is not meant to imply that we manage the same ground.

List of Options

Multi-District Permits

1. Establish a State Office administered special forest products permit system for some products or
2. Avoid multi-District permits by encouraging buyers to directly contact the respective special forest products manager in each Resource Area in which he wishes to harvest.

If need be, encourage managers to utilize administrative help (USFS offices) in distribution of prepared permits or permit information.

Multi-Agency Permits

No options at this time. The successful implementation of a multi-District permit system is needed before multi-agency permits are attempted.

Analysis of Options

1. Establish a State Office administered special forest products permit system for some products.

Advantages:

- Commercial mushroom pickers have voiced a need for statewide permits. The uncertainty of the mushroom crop, long distances between prime collection areas, and the relative short peak season contribute to their request for a blanket permit. The picker does not want to spend prime picking time contacting BLM managers for a local permit. He wants the luxury of picking in any part of the state without notifying the local officials.

Disadvantages:

- If a specific product warrants a multi-Resource Area or multi-District permit (as determined by the State Director), a representative from each Resource Area involved with the proposed harvest plan of that product would need to be consulted concerning his geographic related management concerns. A review of the harvest plan would be required by each of the Resource Area ID teams or an ID team appointed by the State Director. A coordinator would have to execute the contract with the purchaser and oversee the contract administration.
- Environmental concerns and the increasing restrictive nature of resource management make state centralized management a complex process. Unless the amount or value of the product to be harvested is of enormous proportions, management decisions are best left with the local Resource Area Manager.

2. Avoid multi-District permits by encouraging buyers to directly contact the respective special forest products manager in each Resource Area in which he wishes to harvest.

Advantages:

- The present management of the permit system by the Resource Areas can respond to new demands for special forest products. The main shortcoming of the

program is the lack of contract administration time available to meet sudden increases in the demand of a special product.

- The yew bark program has required manpower of exponential proportion. A state run yew bark collection permit system would not have reduced costs or expedited collection of the bark.

Disadvantages:

- None.

Recommendations (What, Where, When, and/or How)

It is the team's recommendation to maintain Option 2.

Rationale

The present system puts the manager closest to the ground making the decisions. Broad, multi-District permits could easily create more problems than they solve.

Implementation Procedure

None necessary.

ISSUE ANALYSIS
Special Forest Products Management

Major Issue: CONTRACTS

Subissue: Language Barriers

Background or Present Situation/Practices

Currently, all Districts are dealing at some level with either people who do not speak English or for whom English is a second language. The languages that are frequently encountered include Spanish, Russian, Cambodian, Laotian, Vietnamese, and Thai. Districts are independently working on various means of coping with language barriers. The Roseburg District has had a special stipulation page for bear grass translated into Cambodian. Coos Bay has a contract to have someone translate the 5450-5 permit form into Spanish. Medford has prepared an attachment for bough permits that is in both Spanish and English. Several districts have employees that can speak Spanish.

There are also cultural differences associated with some non-English language speakers. BLM employees may not be aware of these cultural differences, and this may be causing problems. For example, in Spanish speaking countries the word *violation* has a sexual connotation inferring rape or incest. When we accuse someone of Hispanic heritage of committing a *violation*, they have a tendency to come off the wall and we don't know why. The word we should be using is infraction.

List of Options

1. Conduct business only in English. Refuse to sell permits to non-English speaking individuals.
2. Allow each District to resolve their language and cultural problems on their own, as best they can.
3. Engineer a coordinated effort among the Districts and State Office to translate permits/contracts and standard attachments into appropriate languages.
4. Provide cultural awareness training to District employees who deal with people of different ethnic backgrounds.

Analysis of Options

1. Conduct business only in English. Refuse to sell permits to non-English speaking individuals.

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Advantages:

- Any BLM employee could deal directly with any purchaser. Anyone with or without a permit who does not, or claims they do not, speak English would automatically be in trespass.

Disadvantages:

- This is almost undoubtedly a violation of the civil rights of all citizens of the United States who do not happen to speak English.
- Does not provide service to all of our publics.
- This may still result in violations of the contract/permit, especially where the purchaser may speak English but does not read English.

2. Allow each District to resolve their language and cultural problems on their own, as best they can.

Advantages:

- Not all Districts deal with people speaking all of the languages that are affecting all of the Districts collectively. Each District could focus on only those languages which are used in their District.
- Many Districts have already prepared translations for the products most commonly sold in the languages used in that District.

Disadvantages:

- There would be a great deal of overlap and inconsistency between Districts.
- Costs would be higher since each District would have to translate materials into each language used in that District.

3. Engineer a coordinated effort among the Districts and the State Office to translate permits/contracts and standard attachments into appropriate languages.

Advantages:

- Each District would not have to "reinvent the wheel."
- Consistency between Districts would be assured.
- Costs would be reduced since only one translation would be needed for each language, thus reducing contracting and administration costs.
- Could capitalize on the work already done by the individual Districts.
- Each District could focus on one specific language/culture and become a "center of excellence" for that language/culture and provide outreach and support to the other Districts.

Disadvantages:

- Someone will have to take the leadership role in setting up a coordinated effort.
- Districts will have to cooperate.
- It could be difficult to handle operational differences between Districts, especially in the use of special stipulation attachments to 5450-5.

4. Provide cultural awareness training to District employees who deal with people of different ethnic backgrounds.

Advantages:

- District employees working in the special forest products program would become aware of cultural differences and would be better prepared to avoid or handle, or at least understand, any problems that arise.

- This is consistent with the Mission and Philosophy statement for Oregon/Washington BLM.

Disadvantages:

- There would be an expense involved in developing and putting on a cultural awareness training program, especially one geared directly towards our needs.

Recommendations (What, Where, When, and/or How)

We recommend implementing Options 3 and 4 as soon as possible.

Rationale

Some Districts have already done considerable work with certain languages. Roseburg has been working with a member of the Cambodian community and has developed a working attachment for bear grass permits. Coos Bay has a contract with a court recognized translator who has translated the 5450-5 contract into Spanish and is currently working on translating a bough permit attachment. The other Districts should not be wasting time, effort, and money by duplicating these efforts.

By becoming more aware of the cultural differences between ourselves and some of our publics, we will be better able to serve those publics and avoid problems and confrontations that may be based on misunderstandings.

Implementation Procedure

The State Office needs to take the responsibility for coordinating the various efforts being undertaken by the individual Districts. Districts need to share what they have developed with the State Office and with the other Districts. For languages that have not had translations completed for necessary contract/permit forms or special forest product stipulation attachments, some District needs to take the initiative to complete that work.

For cultural training, we need to specifically identify which ethnic groups to target. Contacts need to be made with the target cultural groups to identify someone who is willing and able to work with us. We need to identify specific areas in which to focus cultural training (language use, gestures, eye contact, police/law enforcement, etc.). There may also be an opportunity for the other ethnic groups to gain some understanding of our culture as it relates to the special forest products program (fire protection, littering, language, body language, management practices, etc.).

ISSUE ANALYSIS
Special Forest Products Management

Major Issue: CONTRACTS

Subissue: Clarification of When Additional Quantity Can Be Authorized

Background or Present Situation/Practices
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The three BLM contract forms used in the special forest products program and how additional quantities can be authorized are as follows:

1. The Lump Sum Timber Sale Contract (5450-3) and/or Scale Sale Contract (5450-4), Section 8, allows for the sale of additional timber if:
 - a. The sale is not detrimental to the interests of the government.
 - b. BLM agrees that the timber needs to be removed.
 - c. The timber is sold within provisions of 43 CFR 5402.0-6 (which states that the volume must be less than 250 MBF).
 - d. BLM determines the sale price.

One of the intentions of this provision is to avoid costly time delays for both the government and the purchaser if an unforeseen sale design feature requires the removal of trees not included in the original cruise. A major timber sale often requires road construction, landing construction, and the logging of difficult cable settings. A work delay would occur and administration costs would rise if a second party was given the opportunity to bid on "modification" timber. Purchasers, in general, appreciate this provision and do not contest the price BLM determines for the timber.

When less than 250 MBF is involved, this provision may be used for the sale of additional timber such as bug kill, fire salvage, etc. The purchaser must agree to the full appraised price. This allows BLM to minimize the administrative costs associated with finding another buyer and the awarding of another contract.

2. The Vegetative or Mineral Material Negotiated Cash Sale Contract (5450-5) allows for the sale of additional quantities if the BLM representative elects to sell a product by a "scale system." He indicates his selection with a mark within the proper box (provision 1c). It states that:

"If the total number of units severed and/or removed exceeds estimated units, additional units shall be paid for at unit rate at a time and place designated by the Authorized Officer."

The intention of this provision is to allow a product to be harvested without a definite estimate of quantity. This is often referred to as a "scale sale."

A good example would be a product measured by weight, such as a madrone burl. The burl to be sold is examined by both the BLM representative and the purchaser. It is

Contracts

"designated" with paint as the item sold. Since a burl's value is based on weight, the purchase price is determined by an estimated weight. The estimated weight can be wrong by a large amount since the burl is partially buried and accurate weight tables have not been generated for burls. The burl is extracted from the ground and transported to a scale that accurately measures the weight. The purchaser then reports to BLM with a written receipt, and a second permit is processed with the reconciled weight.

Contract administration must be vigilant or there may be an opportunity for fraud or environmental damage when this provision is used. It is not the preferred method of operation with the majority of special forest products. If the contract is poorly administered, it can be interpreted as an open-ended contract that may invite resource abuse. The U.S. Attorney's office has stated that prosecution could be difficult if criminal activity is discovered. BLM law enforcement personnel pointed this out when the yew bark harvest program began. Even though bark sale administration is tight, they would not allow the use of this provision.

Experienced resource managers realize that this provision must be used judiciously and only after consideration of the two alternative provisions which do not allow the sale of additional quantities:

Provision 1(a) which stops the purchaser at an agreed pre-specified quantity (such as public firewood). This could be referred to as a "limited quantity sale," or,

Provision 1(b) which sells the product in a "lump sum," as estimated by the BLM (such as saw timber).

3. Contract For The Sale Of Vegetative Resources, Form 5450-1, states in Section 2:

"All vegetative resources in the contract area in excess of the quantity listed above are reserved to the Government."

This is the same as Provision 1(a), as mentioned above, in Form 5450-5. This contract does not allow for the sale of products by scale or lump sum. These two options are not left open for the manager.

List of Options

1. Encourage the use of all three contract provisions (limited amount, lump sum, and scale system) in the special forest products program. The resource manager will determine the best option for a specific product and situation.
2. Guidelines or regulations for the sale of additional quantities in the special forest products program have not been generated. These guidelines should be created and addressed for specific products and contracting methods. They should be included in a Special Forest Products Handbook.

Analysis of Options

1. Encourage the use of all three contract provisions (limited amount, lump sum, and scale system) in the special forest products program. The resource manager will determine the best option for a specific product and situation.

- a. The Scale Sale

The opportunity for fraud, deception, and conspiracy exists with any permit or contract. Many of the Yew Coordinators felt that the exclusion of provision 1(c) "scale sale" from the bark collection program created a cumbersome permit system with a minimum of benefits. The dishonest peelers still have an opportunity to steal bark in a variety of ways. All BLM road systems are not locked at night nor are they constantly patrolled. BLM manages a "store" without a lock on the door. Tying the hands of the land manager by restricting his contracting options does little to discourage theft.

Products sold by weight are usually better sold through the scale system. If the BLM representative cannot consistently appraise a product's weight, he will not be able to assess the minimum appraised value and produce an accurate contract. With good contract administration, a scale sale may be the best alternative for all parties involved (including law enforcement).

- b. The Lump Sum Sale

This has been the favored method of selling timber in the BLM for many years. It could also be used for a variety of special forest products in the future. Modifications to a lump sum sale should be rare in the special products program since road building and other heavy construction is not a factor. State guidelines need to be generated if additional quantities will be permitted. These guidelines could parallel those found in Section 7 of the "Lump Sum Timber Sale Contract" (see Background, above).

- c. The Fixed Amount Sale

This is presently the most popular contract method in the small sale program. It is used extensively in the firewood program. Additional quantities are dealt with by initiation of a new contract. Modifications may be possible if guidelines existed.

2. Guidelines or regulations for the sale of additional quantities in the special forest products program have not been generated. These guidelines should be created and addressed for specific products and contracting methods. They should be included in a Special Forest Products Handbook.

- a. The BLM manual (or a special forest products sales handbook) could contain information on:

- (1) Contract law and applications in the sale of special forest products.
 - (2) The three contract provision types (limited amount, lump sum, and scale system) and how they apply to various products.

- (3) Guidelines for the sale of additional quantities or other modifications.

Recommendations (What, Where, When, and/or How)
--

It is the team's recommendation that both Options 1 and 2 should be adopted.

Rationale

As the special forest products program grows, a handbook could provide statewide conformity where necessary and information for management decisions.

Contract Form 5450-1 would be used more often if it had all three provisions (limited amount, lump sum, and scale system).

Implementation Procedure

1. Contract Form 5450-1 needs to be modified to incorporate all three provision types (limited amount, lump sum, and scale system) as discussed.
2. The State Office would need to initiate the writing of a handbook and the change to Form 5450-1.

ISSUE ANALYSIS
Special Forest Products Management

Major Issue: CONTRACTS

Subissue: How to Designate Materials and/or Estimate Quantities

Background or Present Situation/Practices
--

How to Designate Materials

BLM uses a variety of ways to contractually designate special forest product materials. Materials are designated for contract purposes by the resource manager for the following reasons:

1. Inform the prospective purchaser what materials are for sale and/or what materials are not for sale (reserved). This would apply to a sale that is offered through a prospectus or notice.
2. After a contract is awarded, the contractor must be able to harvest the material without confusion between what material is sold and what material is reserved.
3. The BLM contract administrator must be able to verify that the permittee has not severed or removed reserved materials.
4. Law enforcement officers must be able to recognize a criminal act through examination of the permit and comparison of the material in a suspect's possession. When this is not possible or practical, he must be able to contact the resource manager and ascertain if he has witnessed a contractor that is grossly violating his permit in a criminal manner.

Criminal judges, civil judges, and juries must be able to rule that BLM's material designation systems are a reasonable part of an enforceable contract.

These are some of the methods of designation that are typically used in the special forest products program. The minimum requirement is a legal description (Township, Range, Section) of the area. More than one method is often used on a contract:

1. Paint

The material is painted with BLM tracer paint. Trees are quickly and clearly designated with a stripe at breast height for visibility and then another stripe across the stump height area for verification after harvesting. The trees may also be numbered in sequential order with the paint. An attached map shows the location of each tree or group of trees. If necessary, ribbon is used to help locate the trees; but since ribbon can be moved, it is not the standard way to designate a tree.

Paint is also used to reserve a tree from harvest. A color designation is used to differentiate take trees from reserve trees.

Contracts

Paint is used on any product that requires the severance of a tree. Down logs have also been painted.

2. Posters

A posted and painted boundary around an area containing a product is often used to designate a harvest unit. Numerous types of posters are available that are stapled to trees or brush. The paint and posters are used to encircle the area designated for harvest. The area outside the posters is reserved from harvest.

3. Roadside Signs

Roadside signs are used to designate "entering" and "leaving" a harvest area. This has been the most popular method of designating public firewood areas.

4. Map and Legal Description

Sometimes only a legal description is used to describe the sale area, and a map is attached to show the designated area. This method has been used with some products that require extensive collection areas with few harvesting restrictions, such as mushrooms and bear grass. This method has led to problems if the purchaser is not familiar with legal descriptions and the map does not include enough recognizable land marks. Whenever possible, this method is combined with another designation method.

5. Road Numbers

A road number is sometimes used to designate an area for the collection of a product such as boughs. This method can also create problems similar to those described above. It is best combined with another method.

6. Load Tickets

After the product is harvested, a date-punched load tag is sometimes required to designate that the load is legal, and that the quantity of the product is limited to the amount sold on the permit.

How to Estimate Quantities

The CFR 5420.0-6 states that vegetative resources will be sold by a form of measurement determined to be in the public interest.

The contractual estimate of the "quantity sold" in the special forest products sale program is usually based upon units that are standard and customary to the respective product's commercial utilization.

Trees are measured in board feet at all times when the size of the tree meets saw timber minimum requirements. Log cabin material, fence poles, etc., should not be sold on a linear basis without a cruise and appraisal of the saw timber value. The purpose of this is to avoid selling the trees at less than fair market value if the saw timber value is higher than the special use value. The allowable cut calculation is also based on board feet, and all saw timber size material is accountable in board feet.

One of the problems associated with the special forest products program is the estimate of quantity when the unit of estimation is weight. A field estimation of a product's weight (such as a burl) can be difficult. Verification of the weight is usually through weight receipts provided by the purchaser. The contract administrator must research the purchaser's production rates in relation to length of the permit and amount of materials removed. He must be knowledgeable of the product and its commercial processing to avoid fraud and to avoid selling at less than fair market value.

It is important to the program that an accurate estimate of quantities be used on permits in order to avoid selling below fair market value. Fraud and poor resource management will result if the resource manager is not familiar with the product and its measurement.

List of Options

1. Create a manual or handbook with a description of the various methods of special forest product designation. Tables and information pertaining to the various methods of estimating quantities could be included.

Some examples are attached that may be of use in the estimation of product quantities.

2. Continue with current system (see above).

Analysis of Options

1. Create a manual or handbook with a description of the various methods of special forest product designation. Tables and information pertaining to the various methods of estimating quantities could be included.

- The BLM cruiser/appraiser program produced Handbook 5310-1 "Timber Cruising" to provide a consistent measuring system for timber in Oregon, BLM. The same rationale could be used to generate a Special Forest Products Manual. The special forest products program will continue to grow, and the public will expect consistent and knowledgeable management of the program.

2. Continue with current system (see above).

- The situation as it now exists allows for inconsistency in quality and quantity estimates between and within Districts. It also contributes to increased problems for law enforcement and accountability.

Recommendations (What, Where, When, and/or How)

The team recommends the adoption of Option 1.

Rationale

The approach should be on a statewide basis to avoid duplication of effort between Districts.

Implementation Procedure

The State Director must initiate the preparation of a handbook and designate a team of researchers and writers.

HOW TO ESTIMATE QUANTITIES

ATTACHMENT 1

FLORAL GREENERY SPECIFICATIONS

FLORAL GREENERY SPECIFICATIONS

Product	Unit	Dry Weight (Pounds)	Length of Pieces (inches)	No. Pieces
Huckleberry - regular	Bunch	1-5/8	12-28	
Huckleberry - short	Bunch	1	12-20	
Huckleberry - red leaved	Bunch	2	15-36	
Chal - regular	Bunch	1-5/8	12-28	
Chal - short	Bunch	1	15-20	
Sword fern - regular	Bunch		25-28	52
Sword fern - long	Bunch		31-33	22
Scotch broom	Bunch	2	30-40	
Port-Orford-cedar	Bunch	2	24-28	

SOURCE:

FLORAL GREENERY FROM
PNW FORESTS, USDA, USFS-PNW
RESEARCH, DATE UNKNOWN

9/89

HOW TO ESTIMATE QUANTITIES

ATTACHMENT 2

HARDWOOD TALLY SHEET

METER : Vol/tree : : : : : : : : : : : :
 (ches) : Scribner : : Mad : Oak : Ching : : Mad : Oak : Ching :

UNIT

8	43	::	:	:	:	:	:	:	:	:
12	91	::	:	:	:	:	:	:	:	:
16	160	::	:	:	:	:	:	:	:	:
20	300	::	:	:	:	:	:	:	:	:
24	500	::	:	:	:	:	:	:	:	:
28	800	::	:	:	:	:	:	:	:	:
32	1200	::	:	:	:	:	:	:	:	:
36	1600	::	:	:	:	:	:	:	:	:
40	2200	::	:	:	:	:	:	:	:	:
TOTAL--										

UNIT

8	43	::	:	:	:	:	:	:	:	:
12	91	::	:	:	:	:	:	:	:	:
16	160	::	:	:	:	:	:	:	:	:
20	300	::	:	:	:	:	:	:	:	:
24	500	::	:	:	:	:	:	:	:	:
28	800	::	:	:	:	:	:	:	:	:
32	1200	::	:	:	:	:	:	:	:	:
36	1600	::	:	:	:	:	:	:	:	:
40	2200	::	:	:	:	:	:	:	:	:
TOTAL--										

UNIT

8	43	::	:	:	:	:	:	:	:	:
12	91	::	:	:	:	:	:	:	:	:
16	160	::	:	:	:	:	:	:	:	:
20	300	::	:	:	:	:	:	:	:	:
24	500	::	:	:	:	:	:	:	:	:
28	800	::	:	:	:	:	:	:	:	:
32	1200	::	:	:	:	:	:	:	:	:
36	1600	::	:	:	:	:	:	:	:	:
40	2200	::	:	:	:	:	:	:	:	:
TOTAL--										

SOURCE: MEDFORD DISTRICT, BLM

ATTACHMENT 3

ESTIMATION OF WOOD IN LOGGING DEBRIS

How Much Wood is in that Pile?

Estimating the volume of wood in large piles of logging residue.
Administrative Report PNW 1.
Susan N. Little. Pacific Northwest
Forest and Range Experiment
Station. Portland, 1982.

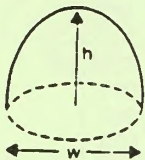
In the National Forests in the Pacific Northwest, large material which is unsuitable for lumber is often yarded and piled at landings. This logging residue is a potential source of fuel for residential and

industrial heating and for cogeneration projects. Accurate methods of estimating the volume of these piles are necessary so that their energy potential can be calculated.

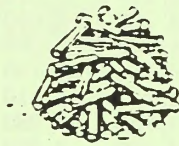
In this study sample piles were selected from cutting units in the Willamette, Deschutes, and Umpqua National Forest. The piles were mostly Douglas fir debris and ranged in size from 2000 to 43,000 cubic feet. Each pile was classified as one of four geometric shapes, as shown in illustration. The combined volume of both the wood and air space in each pile was figured according to the appropriate geometric formula.

The volume of wood in each pile was estimated by converting the weight of material removed to volume, obtained by dividing the total weight of wood removed by 38 (the wood density in pounds per cubic foot of green Douglas fir). After subtracting the wood volume from the piles, the volume of empty space in the pile could be determined. The ratio of volume of wood to the total shape volume of a pile was calculated as a ratio of means, at 0.348. The weight of wood in a pile can be estimated by multiplying the wood volume by the green wood density of the species of trees in the piles.

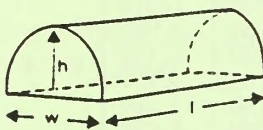
For more information contact Susan N. Little, Pacific Northwest Forest and Range Experiment Station, 809 NE 6th, Portland, OR 97232, 503/231-2072.



1. Section of sphere
(resulting from bulldozing material)



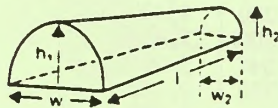
$$V_1 = (\pi \times h/6) \times (3w^2/4 + h^2)$$



2. Half cylinder
(resulting from stacking on level ground)



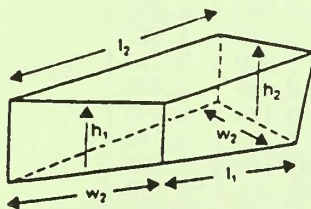
$$V_1 = (\pi/4) \times w \times h \times l$$



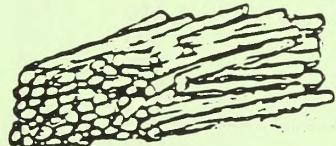
3. One-half frustum of a cone
(most common in uphill yarding)



$$V_1 = \pi \times l \times (w_1 h_1 + (w_1 h_1 w_2 h_2)^{1/2} + w_2 h_2)/12$$



4. Irregular solid



$$V_1 = (l_1 + l_2)(w_1 + w_2)(h_1 + h_2)/8$$

The procedure was to locate a pile, measure the dimensions, weigh material removed from the pile during salvage, and measure the pile remaining after salvage. Pile volumes and wood volumes were calculated and a ratio of wood volume to pile volume was developed.

ATTACHMENT 4

TIMBER WEIGHTS

TIMBER WEIGHTS

[Pounds]

Species	Weight per 1,000 feet board measure					Cord-wood with bark, per cord (128 cubic feet)
	Logs	Lumber				
		Rough		Surfaced		
	Green, with bark, Scribner scale	Green	Dry 15 per cent M-C-1	Green	Dry, 15 per cent M-C-1	
HARDWOODS 2						
Average.....	12, 200					4, 600
Ash, white.....		4, 350	3, 560	3, 190	2, 610	
Aspen.....		3, 500	2, 250	2, 580	1, 655	
Beech, American.....		5, 000	3, 690	3, 680	2, 700	
Birch, yellow.....		4, 920	3, 620	3, 580	2, 650	
Cherry, black.....		4, 110	3, 010	3, 000	2, 200	
Cottonwood, black.....		4, 100	2, 040	3, 000	1, 490	
Elm, rock.....		4, 700	3, 680	3, 450	2, 700	
Elm, slippery.....		4, 700	3, 150	3, 450	2, 310	
Hickory.....		5, 400	3, 910	4, 150	3, 010	
Locust, black.....		4, 850	4, 080	3, 560	2, 990	
Maple, silver.....		4, 000	2, 820	3, 120	2, 070	
Maple, sugar.....		5, 250	3, 710	3, 850	2, 720	
Oak, red.....		5, 260	3, 700	3, 850	2, 710	
Oak, white.....		5, 480	3, 900	4, 050	2, 860	
Poplar, balsam.....		4, 080	1, 930	2, 990	1, 410	
Sweetgum.....		4, 200	3, 030	3, 080	2, 220	
Sycamore, American.....		4, 350	2, 970	3, 190	2, 180	
Tupelo.....			2, 970		2, 180	
Walnut, black.....		4, 970	3, 220	3, 700	2, 360	
Willow, black.....		4, 200	2, 300	3, 080	1, 680	
SOFTWOODS 2						
Average.....	10, 100					4, 100
Cedar, Alaska.....			2, 630		1, 930	
Cedar, Atlantic white.....		3, 000	1, 980	2, 200	1, 450	
Cedar, Western red.....		3, 000	1, 980	2, 200	1, 450	
Douglas fir, coast.....		3, 200	2, 860	2, 340	2, 090	
Douglas fir, intermediate.....		2, 950	2, 650	2, 220	2, 020	
Douglas fir, Rocky Mountain.....			2, 540		1, 860	
Fir, balsam.....		3, 740	2, 240	2, 740	1, 640	
Hemlock.....		4, 500	2, 420	3, 300	1, 770	
Larch, western.....			3, 280		2, 400	
Pine, eastern white.....		3, 640	2, 120	2, 660	1, 550	
Pine, jack.....		4, 140	2, 520	3, 040	1, 850	
Pine, loblolly.....		4, 500	3, 020	3, 300	2, 210	
Pine, lodgepole.....		3, 300	2, 465	2, 420	1, 890	
Pine, longleaf.....		4, 250	3, 470	3, 120	2, 540	
Pine, pitch.....		4, 500	2, 910	3, 300	2, 130	
Pine, ponderosa.....		3, 900	2, 490	2, 860	1, 920	
Pine, red.....		3, 600	2, 620	2, 700	1, 920	
Pine, shortleaf.....		4, 250	2, 970	3, 120	2, 180	
Pine, slash.....		4, 700	3, 660	3, 450	2, 680	
Pine, sugar.....		4, 250	2, 170	3, 120	1, 590	
Pine, western white.....		2, 920	2, 330	2, 140	1, 710	
Redwood, old growth.....		4, 500	2, 380	3, 300	1, 740	
Spruce, black and red.....		3, 750	2, 380	2, 760	1, 750	
Spruce, Engelmann.....		3, 300	2, 010	2, 460	1, 535	
Spruce, white.....		3, 910	2, 054	2, 860	1, 790	

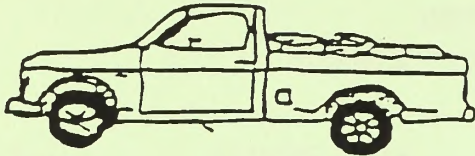
¹ Moisture content.² In estimating weight of logs or cordwood, use the average weight shown for any hardwood or softwood, respectively.

NOTE: The timber weights given in this table are averages, for rough approximation of loads. For more precise information see the Wood Handbook, U.S.D.A. Agr. Hdbk. No. 72.

ATTACHMENT 5

1/4 CORD

FIREWOOD TRUCKLOAD ESTIMATION

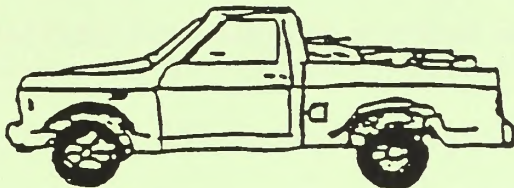


With or without racks this truck bed holds approximately 1/4 cord of wood.

1 LOAD TICKET REQUIRED

Small pickup - 1/4 ton

1/2 CORD



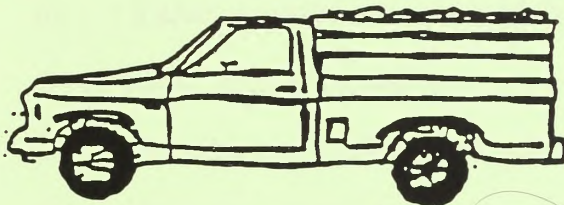
Without racks this truck bed holds approximately 1/2 cord.

1 LOAD TICKET REQUIRED

Short bed pickup - 1/2 ton

1/2 cord WITHOUT racks

1 cord WITH racks



WITHOUT racks this truck bed holds approximately 1/2 cord.

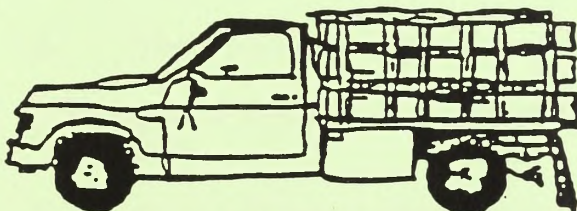
1 LOAD TICKET REQUIRED

WITH racks this truck bed holds approximately 1 cord of wood.

2 LOAD TICKETS REQUIRED

Long bed pickup - 1/2 or 3/4 ton

1 1/2 cords



With high racks this truck bed holds approximately 1 1/2 cords of wood.

3 LOAD TICKETS REQUIRED

Standard truck - 1 ton

NOTE THAT TRUCKS MAY BE OVERLOADED WHEN FILLED WITH WOOD. CHECK THE OWNER'S MANUAL FOR YOUR VEHICLE TO SEE WHAT LOAD WEIGHTS THE TRUCK CAN SAFELY HAUL AND MAKE SURE YOUR VEHICLE IS LICENSED FOR THE WEIGHT IT WILL BE HAULING.

ISSUE ANALYSIS
Special Forest Products Management

Major Issue: CONTRACTS

Subissue: How to Identify BLM Lands on Ground

Background or Present Situation/Practices
--

With the O&C Act having odd numbered sections, some areas are easily identified. If a land swap occurs (PD lands or a DLC), this is very confusing.

1. There are different boundary tags used to mark ownership boundaries:
 - a. Paper/plastic Timber Cutting Boundary Tags (S-154) can be found on timber sale property boundaries.
 - b. Boundary Tags (S-7) are used on surveyed boundaries and unlogged but line has been run.
 - c. Boundary Tags (S-52) can also be used on property lines.
 - d. Carsonite posts are used widely on roadways and intermediate line markers.Other useful tagging would be:
 - a. Boundary of Timber Reserve/No Cutting Authorized Beyond This Point (S-32A).
 - b. Boundary of Timber Reserve/No Unauthorized Cutting Beyond This Point.
 - c. Boundary of Partial Cut Area (S-149).
 - d. Boundary of Special Cutting Area (S-147).
 - e. Right-of-Way, No Unauthorized Cutting Beyond This Boundary.
 - f. The Wildlife (S-129) and Seed Tree (S-34) Tags are clues that it is BLM land.
2. Looking at the features of the general area, the following could indicate that you are on BLM lands:
 - a. BLM will have buffers on streams.
 - b. BLM roads will more than likely be rocked.
 - c. BLM roads may be end-hauled where private roads will likely be sidecast.
 - d. BLM areas will have sprouting hardwoods where private will have basal spray.

Contracts

- e. BLM will have wildlife trees.
- f. Until recently, only BLM practiced precommercial thinning.
- g. BLM will have smaller clearcut areas - under 40 acres.

List of Options

1. Continue to identify BLM lands in the manner and to the extent it is currently being done.
2. Place "entering" and "leaving" government lands signs or carsonite posts on roads when entering or leaving BLM lands.
3. Use updated, readable maps which show land ownership markers as they are on the ground.

Analysis of Options

1. Continue to identify BLM lands in the manner and to the extent it is currently being done.

Advantages:

- Least disruptive.
- Current employees understand the system resulting in minimal training needs.
- Currently, the material we need is available.

Disadvantages:

- It does not meet the needs of all the publics we serve.
- Requires continual maintenance.
- Public needs to be educated. Ongoing project.

2. Place "entering" and "leaving" government lands signs or carsonite posts on roads when entering or leaving BLM lands.

Advantages:

- Easily seen or recognized.
- Provides better public service.
- Supports law enforcement.

Disadvantages:

- Expensive to install and maintain.
- High rate of vandalism of the signs.

3. Use updated, readable maps which show land ownership markers as they are on the ground.

Advantages:

- Better public service.

- Less chance of trespass.
- Less time spent at time of sale.

Disadvantages:

- Takes time to create appropriate maps for each contract/permit.
- Requires commitment at all levels of management.

Recommendations (What, Where, When, and/or How)

It is the recommendation of this team to adopt all of the above options. Options 1 and 3 should be implemented immediately, and option 2 should be phased-in as budgets allow.

Rationale

The sign program is an important program and should be included in the budget. Identifying BLM lands on the ground is an important element of public lands management.

Implementation Procedure

Boundaries should be marked more clearly. Budgets should be increased for the sign program immediately.

ISSUE ANALYSIS
Special Forest Products Management

Major Issue: CONTRACTS

Subissue: Payment Collections - Field and/or Office

Background or Present Situation/Practices
--

A survey of all Oregon/Washington Districts has been completed, and the results of that survey were used as a background for this paper and are available for your review.

Currently, all Districts receive collections at their offices (usually in the reception areas) by authorized individuals. Some offices do sales in the field and/or at a "satellite office" away from their Districts. The ratio is approximately:

office = all

field = most

satellite office = 5 districts out of the 10 OR/WA surveyed

Most employees assigned to handle these transactions are comfortable with the practice, except the few who remain concerned with their end of a credit card transaction and with the matter of security for the funds collected from field work or the funds collected after office hours. There was no true consistency between the BLM offices as to how to deal with the above issues, and no thought had been given to future changes.

List of Options

1. Maintain payment collections with the current status quo.
2. Improve upon the payment collections system by standardizing approaches statewide (Oregon/Washington).
 - a. Continue with field and office (both okay).
 - b. Continue with satellite offices and make sure qualified individuals are collecting funds, if at all.
 - c. Collections are made by designated collections personnel.
 - d. Establish a "drop box" for collections in each office and satellite office.
 - e. Offer the credit card service from field/satellite offices, in addition to what is already available at the District offices.
3. Restrict large transactions to office only.
 - a. Establish a \$50 limit on field transactions.
 - b. Allow for large transactions only if using the credit card system.

Analysis of Options

1. Maintain payment collections with the current status quo.

Advantages:

- Less work.
- Flexible.
- A "do your own thing" operation at Districts.

Disadvantages:

- Fails to provide excellent public service.
- Inconsistent agency responses to public.
- Lack of accountability and cash on hand is risky.

2. Improve upon the payment collections system by standardizing approaches statewide (Oregon/Washington).

Advantages:

- Good public relations; excellent service.
- Flexible.
- Provides system of accountability and manages risk.
- It keeps all offices working with the same set of rules.

Disadvantages:

- Requires commitment to produce standards, and requires transition.

3. Restrict large transactions to office only.

Advantages:

- Manages some risk.

Disadvantages:

- Could confuse the public with an arbitrary approach or limit.

Recommendations (What, Where, When, and/or How)

Option 2 is the preferred alternative. We recommend that we improve our payment collections system by: listing them via the various media outlets and by posting the collection sites. We would need to also insert the opportunity to make mid-course corrections later, if needed.

Rationale

Option 2 sets guidelines, is the most flexible approach to payment collections, and manages risk.

Implementation Procedure

It is apparent we need to establish a handbook with standards under which all Districts will operate. Contract with a District such as Coos Bay to construct lock boxes during the winter 1993.

ISSUE ANALYSIS
Special Forest Products Management

Major Issue: CONTRACTS

Subissue: Use of Credit Cards

Background or Present Situation/Practices

A survey of all Oregon/Washington Districts has been completed, and the results of that survey were used as a background for this paper and are available for your review.

Currently, only the front desk personnel operate the credit card service.

List of Options

1. Eliminate use of the credit card service.
2. Maintain availability of the credit card service, with current status quo.
3. Maintain availability of the credit card service, with uniform guidelines used statewide.
4. Expand availability of the use of credit cards into all field and satellite office settings; for any minor forest product purchases and with guidelines used statewide.
5. Require the use of credit cards in all field and satellite office settings; for all minor forest product purchases, with uniform guidelines used statewide.

Analysis of Options

1. Eliminate use of the credit card service.

Advantages:

- Streamlines our transactions by eliminating a less used service.

Disadvantages:

- Reduces our ability to provide the public a service.
- Propels us rapidly backwards into the 1960s.
- Has a potential to reduce the liability of handling large quantities of cash.

2. Maintain availability of the credit card service, with current status quo.

Contracts

Advantages:

- Requires no further action by anyone.
- Avoids the possibility of bad checks.

Disadvantages:

- Affords us no opportunity to improve public service.

3. Maintain availability of the credit card service, with uniform guidelines used statewide.

Advantages:

- Less confusion to the public and more of a professional image is displayed when BLM offices are operating with the same uniform guidelines.
- Avoids the possibility of bad checks.

Disadvantages:

- It doesn't go far enough in improving public service.

4. Expand availability of the use of credit cards into all field and satellite office settings; for any minor forest product purchases and with guidelines used statewide.

Advantages:

- The public would have consistent expectations regarding how they would be served at any BLM office.
- It reduces our liability with regard to handling large quantities of cash at all BLM offices.
- Avoids the possibility of bad checks.

Disadvantages:

- It will require making the system visible to BLM and the public.
- It would require purchasing additional credit card machines and require some training on their proper use.

5. Require the use of credit cards in all field and satellite office settings; for all minor forest product purchases, with uniform guidelines used statewide.

Advantages:

- It would streamline our system by forcing all purchasers to use one payment system.
- Avoids the possibility of bad checks.

Disadvantages:

- It would eliminate the majority of our various publics, and it would eliminate our ability to provide public service.

Recommendations (What, Where, When, and/or How)
--

Option 4 is the preferred alternative. We recommend that we expand the availability of the use of credit cards (Mastercharge and Visa) in all field and satellite office settings for all minor forest products, with uniform guidelines used statewide.

The preferred alternative consists of three elements: expanding the availability, the provisions for enhanced use, and consistent guidelines.

Expanding the availability. This refers to ensuring that this service is available in all BLM offices statewide, and that provisions are developed at all field and satellite offices as the need arises.

The provisions for enhanced use. This involves ensuring that all products normally considered small purchases be included for purchase under the credit card program. For example, items such as maps, campground fees, and various services.

The consistent guidelines. This deals with a statewide need for policies and procedures to be developed and implemented at all BLM offices.

Notification of these services be made via proper press releases. What identification is required of our purchasers, procedures to follow for fraudulent charges or exceeding credit card limits, etc. In addition, the guidelines need to include provisions for credit card usage for such items as maps, campground fees and services, or for the sale of other items of a "minor nature."

Rationale

Option 4 is the only option that offers BLM the opportunity to maintain flexibility regarding the needs of all of its various publics in rapidly changing times. It does not require radical change; but it would require a reemphasis to our employees concerning the services they are expected to provide and to the public, the services that they can expect to receive. Making this service more visible would result in better risk management because less cash would be on hand, and there would be less need to create change for the various publics using this service.

Implementation Procedure

This needs to be included in a handbook to be created for our special forest products program. This handbook should include statewide guidelines on the proper use of credit cards regarding minor forest products and other purchases. Updating of this handbook would be required annually.

ISSUE ANALYSIS
Special Forest Products Management

Major Issue: CONTRACTS

Subissue: Identification of All Parties on the Contract/Permit

Background or Present Situation/Practices

A survey of all the Oregon/Washington Districts has been completed, and the results of that survey were used as a background for this paper and are available for your review.

Currently, there exists a considerable variation in all the BLM Districts as to what identification is necessary in regard to all of the parties on contracts/permits. Apparently no particular plan exists either.

List of Options

1. List only the purchaser of the permit, and require other workers to have their own permit.
2. List the purchaser, plus all other persons working on the permit.
3. Custom-fit this subissue resolution to the most efficient method of managing the sales of each particular product (i.e., due to work parties, yew permits are very different from fuel wood permits, etc). In regard to a product such as fuel wood for a potential purchaser's private residence, when someone other than that person is actually getting the product (a friend or member of the family. . .), include that party as the "designated agent." In addition, when a purchaser is hauling via log truck(s), this situation needs to be addressed in this issue also.

Analysis of Options

1. List only the purchaser of the permit, and require other workers to have their own permit.

Advantages:

- Generates more dollars and is easily enforced by law enforcement.

Disadvantages:

- Could be viewed by some as needing a permit to "be there." This has angered some fuel wood purchasers (i.e., why should BLM care how or who the purchaser has helping them with hauling or working on their permit, once the permit has been purchased).

Contracts

2. List the purchaser, plus all other persons working on the permit.

Advantages:

- Simple and easily enforced by law enforcement.

Disadvantages:

- Copies of a permit are not valid.

3. Custom-fit this subissue resolution to the most efficient method of managing the sales of each particular product.

Advantages:

- Provides the best public service and meets the local needs most effectively.

Disadvantages:

- Requires some leadership and coordination.
- It needs guidelines developed for program management, via a handbook created and issued to all personnel who are involved in the sales of special forest products.

Recommendations (What, Where, When, and/or How)

Option 3 is the preferred alternative where permits are custom-fitted depending on the type of permit. A handbook is recommended for showing the variety of products, and guidelines must be developed regarding what is and is not permissible for each product.

Option 3 would create a policy to give guidance to all Districts for the following information:

- a. Custom-fit the following options for all permits.
- b. Driver's license or other approved identification is required at the time of the initial permit. (Once recognized, it would not be necessary to show proof of ID again.) Driver's license no., address, etc., to be taken off the permit.
- c. Vehicle information including: vehicle license no., year, color, make and model of all vehicles to be used or, depending on the situation, just the purchaser's vehicle information.
- d. Chief of party (purchaser).
- e. Allow flexibility (family versus crew).
- f. Show products and the requirements of each product.
- g. Chief of party must be on-site during the harvest (District option).
- h. Social Security number (check with Solicitor on legality).

Rationale

The wide variety of demand for special forest products across our state, offers BLM an opportunity to meet these product needs, using the system of statewide (Oregon/Washington) guidelines. We should maintain options to remain flexible.

Implementation Procedure

Revise the 5400 section of the BLM manual to include the procedures and guidelines necessary to implement Option 3.

Revise Form 5450-5 to include the above information.

ISSUE ANALYSIS
Special Forest Products Management

Major Issue: CONTRACTS

Subissue: Identification Needed by the Purchaser

Background or Present Situation/Practices

A survey of all the Oregon/Washington Districts has been completed, and the results of that survey were used as a background for this paper and are available for your review.

Currently, only some of the districts require a driver's license for permits. There is an age limit on permits, but it is not verified on a regular basis. The same goes for checks. There are very few reports of receiving bad checks at any of the Districts. Usually, no ID is required for credit card purchases, except for the credit card itself. There are no standard instructions out as of this date.

There are several elements explored here:

- a. When is ID required of prospective purchasers;
- b. What kind of ID is satisfactory; and
- c. Who should ask for the ID (under what authority)?

List of Options

1. Require no identification.
2. Stay with the status quo.
3. Require ID for the initial permits, and transfer information from that permit onto future permits, as necessary.
4. Require ID for all permits and for all transactions involving checks, credit cards, and cash.

Analysis of Options

1. Require no identification.

Advantages:

- Less work.

Contracts

Disadvantages:

- Fails to meet requirements to insure that the person is of proper age. It eliminates the opportunity to recover funds from bad checks and cards.

2. Stay with the status quo.

Advantages:

- Less work.

Disadvantages:

- Promotes inconsistency District-to-District and within each District office.

3. Require ID for initial permits, and transfer information from that permit onto future permits, as necessary.

Advantages:

- Standardized, realistic, and an accepted method of conducting business.

Disadvantages:

- Requires an investment of time to create standards to be shared by all Districts.

4. Require ID for all permits and for all transactions involving checks, credit cards, and cash.

Advantages:

- Standardized method shared by all Districts.

Disadvantages:

- Would create less "positive" public relations. Creates a cold and mechanical way of doing a public service.

Recommendations (What, Where, When, and/or How)
--

Option 3 is the preferred alternative.

In respect to a product such as fuel wood (personal use only), it is recommended that the purchaser of the personal-use permit be able to list another person as their "designated agent." This would allow someone other than the purchaser, to actually cut, load, and haul the fuel wood for the purchaser. Typical users of this type of permit would be the elderly or the disabled public. A driver's license, or another approved form of identification, would be required from the purchaser and the designated agent. This would be in addition to other information that is required on the permit (including Social Security number). The permit would be written to the purchaser, indicating that the product is going to that address.

BLM needs to review the reasons why some products can be sold only to citizens of the United States and others to anyone. Also, the authorization needed for people requesting ID needs to be spelled out. These issues need to be addressed in the handbook.

Rationale

Requiring identification on the initial permit(s) only has been done on various Districts, and it appears to be a positive system. If there is a question as to the identity of the permittee at the time of a subsequent permit, it would be acceptable to request this information in addition to the customer's initial permit.

Option 3 would set up the mechanism for determining (proper) age at the time of the initial permit; would let you know who you are accepting the check (or credit card) from at the initial time of permit; and would assist law enforcement personnel by providing basic information on the purchaser for all permits written for that individual.

Implementation Procedure

This information (and more) needs to be addressed in a handbook for our special forest products program for all personnel who initiate permits of any kind. This handbook should include statewide guidelines describing the exact list of identification, if any, required for initial and future permits. This handbook should be made available as soon as possible, and updating should be required annually.

ISSUE ANALYSIS
Special Forest Products Management

Major Issue: CONTRACTS

Subissue: Use of Load Tickets

Background or Present Situation/Practices

A survey of all the Oregon/Washington Districts has been completed, and the results of that survey were used as a background for this paper and are available for your review.

All Districts use load tickets on at least some forest products. There has been good public feedback; and variations exist on the types of products that load tickets will be used for, not to mention the type of tickets used. There are currently two different load tickets available; the one-part and the five-part (for yew permits only).

The components are:

- a. To use or not use load tickets or "forest products removal receipts" as referred to in I.M. OR-92-159 dated 5/11/92).
- b. List all products to use load tickets on.
- c. List the proper use of the load tickets.

List of Options

1. Do nothing, status quo.
2. Establish a "relative value scale" to detail which products qualify for load ticket use based on the value per unit. Set up standards statewide (Oregon/Washington) for qualifying products and for using the qualification standards. Use this as a first step toward a summary table similar to the one the Salem District has created (see attachment 2).
3. Use load tickets on all sold products. Set up standards statewide (Oregon/Washington) for qualifying products and for using the qualification standards.
4. Eliminate the use of all load tickets.

Analysis of Options

1. Do nothing, status quo.

Contracts

Advantages:

- No further action.
- No work.
- Saves time and money.

Disadvantages:

- Poor policy for meeting the public's expectations and shows an unwillingness to manage the problem.
- An "accepted chaos" District-to-District resulting from inconsistent management.

2. Establish a "relative value scale" to detail which products qualify for load ticket use based on the value per unit. Set up standards statewide (Oregon/Washington) for qualifying products and for using the qualification standards. Use this as a first step toward a summary table similar to the one the Salem District has created (see attachment 2).

Advantages:

- Would be a way to develop uniform standards pertaining to all Districts and their needs.
- Would demonstrate which products are in greater demand, District to District.
- Would take some dedication to do an accurate report, and it would need to come from the actual BLM agent(s) that issues the permits.
- Would set up the mechanism for later modification of the program.

Disadvantages:

- This value scale would need to be kept current for accuracy.
- Some products are only seasonal.
- This project would require leadership, work, and patience in setting up this scale.

3. Use load tickets on all sold products. Set up standards statewide (Oregon/Washington) for qualifying products and for using the qualification standards.

Advantages:

- Sets common standards for BLM and the public, resulting in uniform expectations for all parties.
- Requiring all District offices to use load tickets (for all sold products) would keep things simpler, especially for our law enforcement personnel.

Disadvantages:

- Requires some definition as to the units of measure for various products.
- Guidelines should be set up for samples of all products.
- Transition time needed for all parties.

4. Eliminate the use of all load tickets.

Advantages:

- Simplification.

Disadvantages:

- Not possible.

Recommendations (What, Where, When, and/or How)

Option 3 is the preferred alternative. We recommend that BLM establish a requirement that all special forest products have load tickets issued for them at the time of sale, when use of a load ticket is reasonable. The cases without a load ticket will be the exception, rather than the rule.

Rationale

Option 3 is the best overall system to accommodate all Districts. We would need to set up a load ticket program that will assist all of the Districts and establish harmony among the Districts, in addition to the general public.

Implementation Procedure

Standard procedures would need to be established. There needs to be a handbook developed with graphs of some sort to indicate the unit(s) of measure for each product. We recommend using something similar to the Salem District's Special Forest Products - Items Measured In Board Feet/Vegetative Material - Summary Sheets. (See attached "altered" copy.) A column could be added for load tickets. It is recommended this handbook be created as soon as possible. It should be noted that copies of permits are not valid, and load ticket colors should rotate annually. Authorized BLM personnel issuing permits should be allowed to work with the purchaser regarding the number of load tickets needed to obtain the product(s) they have purchased. (Refer to I.M. No. OR-92-159.) Also, in respect to a product such as fuel wood, if the purchaser has another person get the product, the second person should be listed as the "designated agent." This policy would be used for personal-use permits only and could state that the purchaser of the permit be present during collection and transportation. Some exceptions might apply, such as an ailing older person who has a younger person cut and haul the fuel wood the older person has purchased. Law enforcement personnel would like to see all names included on the permits. Clearly, this is a matter that needs to be addressed in a handbook format.

SALEM DISTRICT'S SPECIAL FOREST PRODUCTS - ITEMS MEASURED IN BOARD FEET - SUMMARY SHEET

MINIMUM CONTRACT PRICE IS \$10.00

LOAD
Tickets?

PRODUCT	UNIT	MINIMUM PRICE / UNIT	RECOMMENDED CONTRACT LENGTH	MAXIMUM AMOUNT	SIZE OF AREA	RESTRICTIONS - Other Than Those Listed at Bottom of Page or Contained in the Special Provision Sheets
Salvage Material (Timber): Down Logs	MBF	Fair Market Value	Varies	Advertised - None Negotiated - 250 MBF w/ justification	Advertised - None Negotiated - A logical setting	
Standing Timber	MBF	Same as Above	Same as Above	Same as Above	Same as Above	
Firewood: Down Logs	(1 MBF = 2 cds) CORDS (CDS)	PERS. USE - \$5 COMM. USE - \$10	PERS. USE - 2 WK COMM. USE - NTE 30 DAYS	PERS. USE - 4 CDS COMM. USE - NO LIMIT	PERS. USE - Design. Areas	Commercial Use can no longer be categorically excluded - an EA must be prepared
Standing Timber	CORDS	Same as Above	Same as Above	Same as Above	Same as Above	Same as Above
Cull Peelers/Chip or Marginal Logs	MBF	CHIPS - \$40.45 C. PEEL - \$60.00	Varies	To be determined (TBD) by A.O. who issues permit.	TBD by A.O. who issues permit.	
Western Red Cedar for Shake Bolts - Dead and Down Material	CORDS	\$50.00	Varies	TBD by A.O. who issues permit.		
Posts Up To 8'	NUMBER	\$0.50	Varies with Quantity	N/A	Varies	
Over 8'	EA. ADD. FOOT	\$0.07	Varies with Quantity	N/A	Varies	
Split Rails	LINEAL FEET	\$0.05	Varies with Quantity	N/A	Varies	
Puddle Sticks 2" X 4" X 12"	NUMBER	\$0.04	Varies with Quantity	N/A	Varies	
1" X 2" X 12"	NUMBER	\$0.01	Varies with Quantity	N/A	Varies	
Burls (Maple)	POUNDS	\$0.04	Varies	Varies	Varies	Attach Spec. sheet

Restriction Categories

Unless otherwise approved by the resource specialist who is concerned with these areas, the following areas are not to have permits/contracts issued within them:

- | | | | | |
|---------|----------|-------------------|-----------------------------|--|
| 1 - HCA | 3 - SOHA | 5 - RNA | 7 - Wilderness | 9 - Cooperation with Oregon State Wildflower Law |
| 2 - CHU | 4 - ACEC | 6 - Riparian Zone | 8 - Cultural Resource Areas | 10 - Wild & Scenic River Zone |

* Personal Use = Up to 10 cords/year
Commer. Use = No Limit / 1 acre/year

ISSUE ANALYSIS
Special Forest Products Management

Major Issue: CONTRACTS

Subissue: Current Regulations

Background or Present Situation/Practices
--

The regulations which directly or indirectly deal with special forest products are as follows:

- (1) 41 CFR 201-22 - Records Management Program
- (2) 43 CFR Part 4 - Department Hearings and Appeals Procedures
- (3) 43 CFR 5003 - Administrative Remedies
- (4) 43 CFR 5400 - Sales of Forest Products; General
- (5) 43 CFR 5401 - Advertised Sales; General
- (6) 43 CFR 5402 - Other than Advertised Sales; General
- (7) 43 CFR 5424 - Preparation of Contract
- (8) 43 CFR 5450 - Award of Contracts; General
- (9) 43 CFR 5451 - Bonds
- (10) 43 CFR 5452 - Method of Payment
- (11) 43 CFR 5461 - Contract Payments
- (12) 43 CFR 5462 - Contract and Permit Requirements
- (13) 43 CFR 5463 - Expiration of Time for Cutting and Removal
- (14) 43 CFR 5463 - Extension of Time for Cutting and Removal
- (15) 43 CFR 9239 - Kinds of Trespass
- (16) 43 CFR 9268 - Recreation Programs
- (17) BLM Manual Supplement, Oregon State Office - Timber Sale Procedure Handbook H-5400-1, Sales of Forest Products
- (18) BLM Manual Supplement, Oregon State Office - Timber Sale Procedure Handbook H-5420-1, Preparation for Sale
- (19) Oregon Forest Laws - ORS 164.775 to 164.805 - Offensive Littering
- (20) Oregon Forest Laws - ORS 164.813 to 164.855 - Unlawful Transport
- (21) Oregon Forest Laws - ORS 165.109 - Cedar Purchase Record
- (22) Oregon Forest Laws - ORS 532.010 to 532.140 - Branding
- (23) Oregon Forest Laws - ORS 564.010 to 564.994 - Threatened and Endangered Plants
- (24) Restrictions found in individual district's MFPs/RMPs.

List of Options

1. Use the above regulations without modification.
2. Use the above regulations with some modifications.
3. Use some of the above regulations.

4. Use none of the above regulations.

Analysis of Options

1. Use the above regulations without modification.

Advantages:

- New federal regulations would not have to be written.
- People are more or less familiar with them.
- A regulation-by-regulation review would not have to be done to determine what needs to be modified (if anything) and how to make the modification.
- Provides consistency within and between Districts.

Disadvantages:

- A cumbersome regulation might not be changed to make it more workable.
- Potentially conflicting regulations might continue to conflict and create problems at some future date.
- BLM Manual handbook sections may have to be rewritten to better explain what the regulations allow them to do.

2. Use the above regulations with some modifications.

Advantages:

- Possible cumbersome regulations could be modified to make them more workable.
- Potentially conflicting regulations could be modified to reduce or eliminate the conflict and reduce the probability of creating problems at some future date.

Disadvantages:

- A regulation-by-regulation review would have to be done to determine what needs to be modified (if anything) and how to make the modification.
- New Federal regulations may have to be written.
- People would have to be notified of any changes.
- BLM Manual handbooks would have to be revised to reflect the changes.
- May create some problems with consistency within and between Districts, dependent upon how the decision is made regarding which regulations need to be modified.

3. Use some of the above regulations.

Advantages:

- Whenever possible, cumbersome regulations could be dropped.
- Whenever possible, one or more conflicting regulations could be dropped to reduce or eliminate the conflict and reduce the probability of creating problems at some future date.

Disadvantages:

- A determination would have to be made as to which ones should be used and which ones should be dropped.
- Would the State Office, District office, or Resource Area make this determination?

- People would have to be notified of any changes.
- New Federal regulations may have to be written.
- BLM Manual handbooks would have to be revised to reflect the changes.
- May create some problems with consistency within and between Districts, dependent upon how the decision is made regarding which regulations need to be modified.

4. Use none of the above regulations.

Advantages:

- Allows maximum flexibility for each manager.

Disadvantages:

- Code of Federal Regulations would have to be changed to show these deletions.
- BLM Manual handbooks would have to be revised to reflect the changes.
- Each District, or even Resource Area, would have to develop a method and regulations for handling the sale of special forest products.
- People would have to be notified of all regulations that had been dropped.
- Probability of creating some problems with consistency within and between Districts becomes extremely high.
- Would provide poor management of the resources.
- Would probably lead to a decreased service to the public.

Recommendations (What, Where, When, and/or How)
--

It is the recommendation of this team to:

1. Continue to use the existing regulations as they are.
2. Notify the State Office of any regulations that cause problems within the special forest products program.
3. Rewrite portions of the BLM Manual handbook concerning the special forest products program.
4. Provide training to the districts as to what the current regulations mean and how they are to be applied.

Rationale

The current regulations appear to be fairly comprehensive with few conflicts. The biggest problem is the apparent lack of knowledge (understanding) of what these regulations are and what they really mean. With training in these areas, we feel better implementation would take place. This would probably include a more in-depth section in the BLM Manual handbook - Timber Sale Procedures Handbook Series, on the special forest products program. Even though this may sound time consuming, these recommendations would take the least amount of time to implement.

Implementation Procedure

The State Office should develop (perhaps with the assistance of the Phoenix Training Center) a multi-day training session for each District which would explain the current regulations as they relate to daily, on-the-ground operations. This could cover what should actually be done versus the unwritten "myths" about what can be done (i.e., Form 5450-3 must be reviewed by a gang of thousands and then typed; therefore, it is too cumbersome, and it's easier to use Form 5450-5 even though it may not be in the best interest of the government to do so).

ISSUE ANALYSIS
Special Forest Products Management

Major Issue: CONTRACTS

Subissue: Guidelines for When to Advertise a Sale Versus a Negotiated Sale

Background or Present Situation/Practices
--

There are numerous guidelines for when to advertise the sale of a product versus negotiating the sale of the same product. These vary by product (see attached sheets) and, in many cases, by District. In some cases, all products are sold using negotiated sales.

It appears that the major reasons to advertise, regardless of product, include: large concentrations of material; high value of the material; competitive interest; large supply at one location; and/or it's in the best interest of the government to do so.

The major reasons to negotiate a sale, again regardless of product, include: when it is in the public interest to have a quick sale of the product (i.e., to prevent trespass; for public safety; etc.); small amounts scattered around; public access is not guaranteed; and/or can meet the demand of everyone.

BLM Timber Sale Procedure Handbook H-5400, section III (which corresponds to 43 CFR 5401) describes the following information for advertised sales: advertising; access to sale; appraisal; and bidding.

BLM Timber Sale Procedure Handbook H-5400, section IV (which corresponds to 43 CFR 5402) describes the following information for other than advertised sales: situation suitable for nonadvertised sales; sales to BLM employees; appraisal; and reporting requirements.

List of Options

1. Let each District establish their own guidelines for when to advertise a sale versus negotiating it.
2. Establish a minimum set of guidelines for when to advertise a sale versus when to negotiate it, and then let the Districts expand upon them as needed for their particular area or product.
3. Establish a mandatory set of rules and procedures.

Analysis of Options

1. Let each District establish their own guidelines for when to advertise a sale versus negotiating it.

Advantages:

- This is the status quo. Little, if anything, would have to be done.

Disadvantages:

- Not all Districts have established these guidelines.
- Current guidelines may not always be in the government's best interest.
- Public which deals with different Districts may be told different things for the same product.
- Public may get the perception of showing favoritism by an area or District to certain people/companies.

2. Establish a minimum set of guidelines for when to advertise a sale versus when to negotiate it, and then let the Districts expand upon them as needed for their particular area or product.

Advantages:

- Will increase the possibility that the current guidelines will be in the government's best interest.
- Will reduce the probability that the public which deals with different Districts will be told different things for the same product.
- Will reduce the possibility that the public will get the perception of favoritism by an area or District to certain people/companies.
- May require the least amount of change on the Districts, while allowing them to consider their particular area or product.

Disadvantages:

- Districts will have to establish these guidelines.
- Some change will be required.

3. Establish a mandatory set of rules.

Advantages:

- Should insure that the guidelines will be in the government's best interest.
- Should eliminate the probability that the public which deals with different Districts will be told different things for the same product.
- Should eliminate the possibility that the public will get the perception of favoritism by an area or District to certain people/companies.

Disadvantages:

- Will require the most amount of change.
- District's needs for their particular area or product may not be considered.
- May require the most amount of time to implement without increasing the benefits considerably.

Recommendations (What, Where, When, and/or How)

This team recommends that Alternative 2 (establish a minimum set of guidelines for when to advertise a sale versus when to negotiate it, and then let the Districts expand upon them as needed for their particular area or product) be adopted.

These guidelines should include the items that are commonly found across the Districts regardless of the product sold. These include the following:

The major reasons to advertise, regardless of product, include: large concentrations of material; high value of the material; competitive interest; large supply at one location; and/or it's in the best interest of the government to do so.

The major reasons to negotiate a sale, again regardless of product, include: when it is in the public interest to have a quick sale of the product (i.e., to prevent trespass; for public safety; etc.); small amounts scattered around; public access is not guaranteed; and/or can meet the demand of everyone.

For special forest products that are normally negotiated, monitor the sales of these products over time (say three years) to determine if there appears to be competitive interest.

Rationale

Our rationale for this recommendation is it: will increase the possibility that most, if not all, of the major guidelines will be in the government's best interest; will reduce the probability that the public which deals with different Districts will be told different things for the same product; will reduce the possibility that the public will get the perception of favoritism by an area or District to certain people/companies; and may require the least amount of change on the Districts, while allowing them to consider their particular area or product.

Implementation Procedure

State Office (931.5) should revise the BLM Timber Sale Procedure Handbook H-5400, section III, and BLM Timber Sale Procedure Handbook H-5400, section IV, to establish these minimum guidelines.

SUB-ISSUE NUMBER 15 TO CONTRACT ISSUE FOR SPECIAL FOREST PRODUCTS

COMMENTS RECEIVED FROM VARIOUS DISTRICTS
FOR WHEN TO ADVERTISE A SALE VERSUS DOING A NEGOTIATED SALE

PRODUCT	WHEN TO ADVERTISE	WHEN TO NEGOTIATE
SALVAGE TIMBER	<ul style="list-style-type: none">- Strong competitive interest;- Best interest of gov't;- ≥ 50 MBF;- More than one interested party;- Special requirements;- Special equipment needs;- ≥ 250 MBF;- Prospective purchaser cannot afford all the timber located in a logical setting;	<ul style="list-style-type: none">- Negotiate sale of all special forest products- Public access is not guaranteed- Justification for not advertising is required;- When it is in the public interest to do so (i.e. quick sale to prevent trespass; remove danger trees; sale of tailhold and/or guyline trees to private operators so as not to impede their operations);- < 50 MBF;- < 250 MBF;- Only one party interested .
CEDAR BOLTS	<ul style="list-style-type: none">- Never;- Large supply at one location;- Strong competitive interest;- Best interest of gov't.	<ul style="list-style-type: none">- Always;- Scattered material;- Most all sales;- Ample supply and widely distributed;- Can meet the demand of everyone;- Negotiate sale of all special forest products- Public access is not guaranteed

SUB-ISSUE NUMBER 15 TO CONTRACT ISSUE FOR SPECIAL FOREST PRODUCTS

COMMENTS RECEIVED FROM VARIOUS DISTRICTS FOR WHEN TO ADVERTISE A SALE VERSUS DOING A NEGOTIATED SALE

PRODUCT	WHEN TO ADVERTISE	WHEN TO NEGOTIATE
FIREWOOD	<ul style="list-style-type: none"> - > 49 cords; - Large concentrations requiring special equipment; - When demands exceed supply to a point that we can't meet most of our collectors needs; - > 199 cords; - > 100 cords; ? - Large quantities or concentrations; - Never done; - Large supply at one location; - Strong competitive interest; - Best interest of gov't; - High demand, low supply 	<ul style="list-style-type: none"> - < 50 cords; - when there is a competitive interest; - Almost all sales; - < 200 cords; - Firewood decks on landings; - Small amounts scattered around; - Standing green trees or snags; - Ample supply and widely distributed; - Can meet the demand of everyone; - Negotiate sale of all special forest products - Public access is not guaranteed
CULL-MARGINAL LOGS	<ul style="list-style-type: none"> - Competitive interest shown; - \geq 50 MBF; - Large concentrations of high value; - Large supply at one location; - Strong competitive interest; - Best interest of gov't; 	<ul style="list-style-type: none"> - Should have justification for neg. sale of regulated volume; - Value is marginal so may not be worth advertising; - Most all sales; - Ample supply and widely distributed; - Can meet the demand of everyone; - Negotiate sale of all special forest products - Public access is not guaranteed

SUB-ISSUE NUMBER 15 TO CONTRACT ISSUE FOR SPECIAL FOREST PRODUCTS

COMMENTS RECEIVED FROM VARIOUS DISTRICTS
FOR WHEN TO ADVERTISE A SALE VERSUS DOING A NEGOTIATED SALE

PRODUCT	WHEN TO ADVERTISE	WHEN TO NEGOTIATE
HARDWOODS	<ul style="list-style-type: none">- Strong competitive interest;- Best interest of gov't;- Stand conversion requiring silvicultural treatment.	<ul style="list-style-type: none">- Negotiate sale of all special forest products;- Public access is not guaranteed;- Individual scattered trees not requiring silv. treatment;- Can meet the demand of everyone.
JUNIPER BOUGHS	<ul style="list-style-type: none">- Strong competitive interest;- Best interest of gov't;- Not a high demand so negotiate as requested;- Never done.	<ul style="list-style-type: none">- Negotiate sale of all special forest products;- Public access is not guaranteed;- Always;- Can meet the demand of everyone.
MAPLE BURLS	<ul style="list-style-type: none">- Never;- Strong competitive interest;- Best interest of gov't.	<ul style="list-style-type: none">- Always - finders keepers.- Ample supply and widely distributed;- Can meet the demand of everyone;- Negotiate sale of all special forest products

ISSUE ANALYSIS
Special Forest Products Management

Major Issue: **CONTRACTS**

Subissue: **Free Use Regulations and Permits**

Background or Present Situation/Practices
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The regulations which directly or indirectly deal with free use or may affect issuance of free use permits are as follows:

- (1) 43 CFR 5500 - Nonsale Disposals; General
- (2) 43 CFR 5510 - Free Use of Timber; General
- (3) 43 CFR 5511 - Free Use Regulations
- (4) 43 CFR 5451 - Bonds
- (5) 43 CFR 5462 - Contract and Permit Requirements
- (6) 43 CFR 3710 - Public Law 167; Act of July 23, 1955
- (7) 43 CFR 8365 - Rules of Conduct
- (8) 43 CFR 9239 - Kinds of Trespass
- (9) 43 CFR 9265 - Timber Management
- (10) 43 CFR 9268 - Recreation Programs
- (11) 43 CFR 9269 - Technical Services
- (12) BLM Manual 5500 - Nonsale Disposals
- (13) BLM Manual Supplement, Oregon State Office, 5500 - Nonsale Disposals
- (14) BLM Manual Supplement, Oregon State Office, 1623.37 - Public Uses
- (15) Oregon Forest Laws - ORS 164.813 - Unlawful cutting and transport of minor forest products
- (16) Oregon Forest Laws - ORS 564.010 to 564.994 - Threatened and Endangered Plants
- (17) American Indian Religious Freedom Act
- (18) Native American tribal treaties and reservation land documents

List of Options

1. Use the above listed regulations without change.
2. Use the above listed regulations with changes.
3. Use some of the above listed regulations.
4. Use none of the above listed regulations.

Analysis of Options

1. Use the above listed regulations without change.

Advantages:

- New Federal regulations would not have to be written.
- People are more or less familiar with these regulations.
- No review to determine possible changes would be needed.
- Provides consistency between and within Districts.

Disadvantages:

- Outdated or outmoded regulations would not be changed or deleted.
- Potentially conflicting regulations might continue to conflict and create problems at some future date.
- BLM Manual sections may have to be rewritten to better explain what the regulations allow.

2. Use the above listed regulations with changes.

Advantages:

- Possible outdated or outmoded regulations could be changed to make them more applicable and workable.
- Potentially conflicting regulations could be changed to reduce or eliminate conflicts and reduce the possibility of creating problems at some future date.

Disadvantages:

- A regulation-by-regulation review would have to be done to determine what needs to be changed (if anything) and how to make the change.
- New Federal regulations may have to be written.
- The various publics and agencies would have to be notified of any changes.
- BLM Manuals would have to be revised to reflect changes in the regulations.
- May cause problems with consistency between Districts, dependent upon what changes are made and how they apply to circumstances in the various Districts.

3. Use some of the above listed regulations.

Advantages:

- Where possible, outdated, outmoded, and/or cumbersome regulations could be deleted.
- Conflicting regulations could be dropped to reduce or eliminate the conflict and reduce the possibility of creating problems at some future date.

Disadvantages:

- A review would have to be done to determine which regulations to drop and which to retain.
- All levels of authority would need input into the decision process, greatly increasing cost and time factors.
- The various publics and agencies would have to be notified of any changes.
- New Federal regulations may have to be written.
- BLM Manuals would have to be revised to reflect the changes.
- May cause problems with consistency between Districts, dependent upon what changes are made and how they apply to circumstances in the various Districts.

4. Use none of the above listed regulations.

Advantages:

- None identified.

Disadvantages:

- All new Federal regulations would have to be written with the accompanying costs involved.
- Would create great confusion among employees, the various publics, and the various affected agencies.

Recommendations (What, Where, When, and/or How)
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It is the recommendation of this team to:

1. Provide training to the Districts as to what the current regulations mean and how they are to be applied.
2. Continue to use existing regulations as they are until necessary changes are made.
3. Identify any other regulations that cause problems, are outdated, are outmoded, and/or are in conflict with other regulations (i.e., NEPA, ESA, FLPMA, etc.), notify the appropriate level of management, and urge necessary changes be made.
4. Rewrite portions of the BLM Manual concerning the special forest products program as needed.

Rationale

The current regulations appear to be fairly comprehensive. Some of the current regulations are outdated or outmoded. For example, 43 CFR 5511 allows free use of timber from public lands but BLM Manual Supplement 5500 - Nonsale Disposals does not allow free use permits for timber except in limited situations by mining claimants and for firewood. The CFR was meant to be used during the era of settlement and does not really apply in total to the present time. The CFR should be changed to more closely reflect the present time.

There are some notable conflicts between regulations which need to be addressed. For instance, 43 CFR 5511.3-2 allows a free use permit for the removal of not more than three Christmas trees without reference to individuals or nonprofit organizations, but BLM Manual 5500.06 states that free use Christmas tree permits are not authorized to individuals. This conflict should be resolved.

Several of the westside Districts issue free use permits to individuals to dig and remove seedling trees for transplanting. This practice is in conflict with 43 CFR 8365 and BLM Manual 5500 which specifically prohibit digging, removing, or destroying any tree or shrub. This is the type of issue which needs to be addressed through training at the District level or regulations must be changed to cover this situation.

Implementation Procedure

The first step would be to have a committee identify regulations which are outdated, outmoded, in conflict with other regulations, and/or cause problems in implementation. Regulations thus identified would then need to be reviewed by the appropriate level of management and the regulations changed or eliminated as needed.

ISSUE ANALYSIS
Special Forest Products Management

Major Issue: CONTRACTS

Subissue: Free Use for Other Programs' Benefit (i.e., Fuel Load Reduction on a PCT Area; Removal of Trees That Have Overgrown a Road; etc.)

Background or Present Situation/Practices

There is currently no free use for recreation being employed on the eastside Districts other than what is allowed under recreational collecting in 43 CFR 8365 and BLM Manual 5500.

This is also the case with the westside Districts, except that some of the westside Districts have issued free use permits to individuals to dig and remove seedlings for transplanting. This is a recreational pursuit by the individuals but is prohibited by 43 CFR 8365 and BLM Manual 5500.

List of Options

1. Continue current practices.
2. Continue only those practices allowed by current regulations.
3. Change the current regulations to broaden the practices allowed.
4. Discontinue use of free use for recreation purposes.

Analysis of Options

1. Continue current practices.

Advantages:

- No changes are needed.
- Do not need to develop guidance or additional regulations.

Disadvantages:

- Practices contrary to the current regulations will probably continue.
- May cause problems with consistency between and within Districts.

2. Continue only those practices allowed by current regulations.

Advantages:

- Provides consistency between and within Districts.
- Brings all Districts into conformance with current regulations.

Contracts

Disadvantages:

- May create problems where the various publics have been able to get a certain product under free use in the past but now are unable to.
- Will necessitate training of employees in proper procedures and policies.

3. Change the current regulations to broaden the practices allowed.

Advantages:

- Would allow greater flexibility by the Districts to use the free use permit.
- Would probably bring current practices into conformity with the regulations.

Disadvantages:

- Current regulations would have to be changed or new regulations written.
- Might encourage greater use of the free use permit, thereby reducing revenues to the government.
- May cause problems with consistency between and within Districts.

4. Discontinue use of free use for recreation purposes.

Advantages:

- More control over management of the resources.

Disadvantages:

- Would not allow for free recreational gathering of specified products.
- Current uses would most likely continue in disregard of the law, creating a law enforcement problem.
- Additional cost for implementing and administering.

Recommendations (What, Where, When, and/or How)

It is recommended by this team to:

1. Continue only those practices allowed by current regulations. (see Free Use Regs. recommendations.)
2. Provide training to the Districts as to what the current regulations mean and how they are to be applied.
3. The term "reasonable" needs to be defined for each product when talking about reasonable amounts used within a reasonable time period (see 43 CFR 8365).

Rationale

The current regulations appear to be fairly comprehensive. The current practices can be brought into conformance with the regulations with little impact to the various publics and a minimum of training to District employees.

Implementation Procedure

Conduct training on all Districts regarding recreational free use regulations.

Have a statewide committee made up of various specialists determine what reasonable amounts are for the various products (see what the Salem District did).

ISSUE ANALYSIS
Special Forest Products Management

Major Issue: **CONTRACTS**

Subissue: **Recreation/Free Use**

Background or Present Situation/Practices

There is currently no free use for recreation being employed on the eastside Districts other than what is allowed under recreational collecting in 43 CFR 8365 and BLM Manual 5500.

This is also the case with the westside Districts, except that some of the westside Districts have issued free use permits to individuals to dig and remove seedlings for transplanting. This is a recreational pursuit by the individuals but is prohibited by 43 CFR 8365 and BLM Manual 5500.

List of Options

1. Continue current practices.
2. Continue only those practices allowed by current regulations.
3. Change the current regulations to broaden the practices allowed.
4. Discontinue use of free use for recreation purposes.

Analysis of Options

1. Continue current practices.

Advantages:

- No changes are needed.
- Do not need to develop guidance or additional regulations.

Disadvantages:

- Practices contrary to the current regulations will probably continue.
- May cause problems with consistency between and within Districts.

2. Continue only those practices allowed by current regulations.

Advantages:

- Provides consistency between and within Districts.
- Brings all Districts into conformance with current regulations.

Contracts

Disadvantages:

- May create problems where the various publics have been able to get a certain product under free use in the past but now are unable to.
- Will necessitate training of employees in proper procedures and policies.

3. Change the current regulations to broaden the practices allowed.

Advantages:

- Would allow greater flexibility by the Districts to use the free use permit.
- Would probably bring current practices into conformity with the regulations.

Disadvantages:

- Current regulations would have to be changed or new regulations written.
- Might encourage greater use of the free use permit, thereby reducing revenues to the government.
- May cause problems with consistency between and within Districts.

4. Discontinue use of free use for recreation purposes.

Advantages:

- More control over management of the resources.

Disadvantages:

- Would not allow for free recreational gathering of specified products.
- Current uses would most likely continue in disregard of the law, creating a law enforcement problem.
- Additional cost for implementing and administering.

Recommendations (What, Where, When, and/or How)

It is recommended by this team to:

1. Continue only those practices allowed by current regulations.
2. Provide training to the Districts as to what the current regulations mean and how they are to be applied.
3. The term "reasonable" needs to be defined for each product when talking about reasonable amounts used within a reasonable time period (see 43 CFR 8365).

Rationale

The current regulations appear to be fairly comprehensive. The current practices can be brought into conformance with the regulations with little impact to the various publics and a minimum of training to District employees.

Implementation Procedure

Conduct training on all Districts regarding recreational free use regulations.

Have a statewide committee made up of various specialists determine what reasonable amounts are for the various products (see what the Salem District did).

ISSUE ANALYSIS
Special Forest Products Management

Major Issue: CONTRACTS

Subissue: When Do We Charge For or Issue a Permit For Products That are Typically Free Use

Background or Present Situation/Practices

The use of free use permits is limited on all Districts. Because of this, there are very few instances where products which are typically free use are charged for. One case would be where limb wood or similar slash, which would normally be free use for use as firewood on-site, is of such quality or quantity as to give it in-place commercial value.

A second circumstance is where products normally disposed of by free use are to be sold or bartered by the permittee. Under these circumstances, there would be a charge for the product. 43 CFR 8365 and BLM Manual 5500 prohibit the sale or barter of materials procured by a free use permit.

A third case is where the amounts of products to be procured exceed what is "reasonable amounts" as allowed by 43 CFR 8365 and BLM Manual 5500. In this case, there would be a charge for the product. The Salem District has defined these units in its new handbook supplement.

List of Options

1. Continue current practices.
2. Discontinue current practices.

Analysis of Options

1. Continue current practices.

Advantages:

- No changes are needed.
- Current regulations are sufficient.
- Allows for flexibility in carrying out programs.

Disadvantages:

- May cause problems with consistency between and within Districts as to what constitutes "reasonable amounts."

Contracts

2. Discontinue current practices.

Advantages:

- None identified.

Disadvantages:

- May take away the option to charge for products when that is the best alternative.

Recommendations (What, Where, When, and/or How)

It is the recommendation of this team to:

1. Continue with current practices.
2. Define precisely what "reasonable amounts" are for all possible products. The Salem District has already done this for a number of products.

Rationale

Current practices are within the scope of the current regulations and are serving the program well. In other words, "don't fix it if it isn't broken."

Implementation Procedure

Define "reasonable amounts" for various products using the Salem District's definition as a starting point, and disseminate these definitions to the Districts.

ISSUE ANALYSIS
Special Forest Products Management

Major Issue: PRICING

All special forest products that occur on a District need a minimum value assigned to them for sales to the public.

1. There is a need for consistency between Resource Areas, Districts, and other agencies (USFS).
2. Also, there is sometimes a difference between commercial and personal use pricing.
3. A management issue is: Should we sell at a low price because it is good public relations or should we try to recover our administrative costs?

Background or Present Situation/Practices

In the past, all BLM Districts made up their own minimum price lists for special forest products. National Forests did the same. This inconsistency sometimes confused the general public when they went between Districts and Forests. It also caused some hardships for the individual Districts and Forests, because the public would inundate the District or Forest that was selling the product the cheapest. It also caused the public to have a poor perception of the agencies.

In addition, some Districts, and indeed some Resource Areas within a District, put more emphasis on a special forest products program than others. Some areas would sell a product for one price, while the area next door would sell for a different price or would not sell the product at all. The same was true between Districts. Therefore, there is a need for uniform pricing.

List of Options

There are probably only three options available to us.

1. We could continue with business as usual, and all Districts and Forests derive their own set of special forest product values.
2. BLM could come up with a consolidated list for all of its Districts and let the USFS go their own way.
3. The two agencies could come up with a consolidated minimum price list.

Analysis of Options

While in the process of deriving this list of products and values, the joint committee addressed other subissues. We talked about whether or not we should use special forest products as a public relations tool or try to recover administrative costs. And also, whether we should charge more for commercial permits than personal use.

We decided we should try to at least recover administrative costs, because the program is growing and it has no budget of its own at this time. Also, some publics might perceive it as another government giveaway to a few special interest groups if we charge less than minimum values. With a change in policy, we even thought this program could sustain itself if the proceeds from sales were allowed to go back to the program. We didn't think that would happen, at least not very soon.

Because the products vary from District to District, both in importance and abundance, the committee thought it should be up to each District to decide whether they want to charge more for commercial use.

In other words, we decided to come up with a minimum price list for those products we know are being harvested and have some commercial value. All the other issues need decisions by each District based on their own circumstances.

Recommendations (What, Where, When, and/or How)

The recommendation of the pricing committee is that we use the list contained in Instruction Memorandum No. OR-92-96 (see Option C). Keep in mind that the list is not all inclusive, and each District may have a need to change a price on the list or to add products from time to time. We also realize that these prices do not cover operational and/or administrative costs for running the program.

Also:

1. It must be understood that these are minimum values. If the commodity is worth more than these minimums -- then we should charge the purchaser accordingly. BLM's minimum prices should reflect fair market values. BLM/USFS should jointly update the price lists annually.
2. Not all special forest products may be harvested from any one area on this list. All Districts need to inventory what they have that may be utilized as a special forest product. They would then need to derive their own price for that product. In other words, the list is not all inclusive.

ISSUE ANALYSIS
Special Forest Products Management

Major Issue: NEPA PROCESS

Subissue: Clarification of NEPA Process, Including Public Involvement and Use of Categorical Exclusions

Background or Present Situation/Practices
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Introduction

The National Environmental Policy Act (NEPA), passed in 1969, is the basic national charter for the protection of the environment. NEPA procedures are designed to "insure that environmental information is available to public officials and citizens before decisions are made and before actions are taken." [40 CFR 1500.1(b)] The CFRs state the two main objectives of NEPA:

1. To consider every significant impact of a proposed action.
2. Inform the public that the agency did indeed consider environmental concerns in its decision making process.

These two objectives have radically changed the process of decision making by opening the process to public involvement and requiring decision makers to consider future environmental consequences before implementing a decision.

NEPA is a procedural law; it describes the process that Federal agencies must follow in considering the environmental consequences of the actions we take. Proposed actions may fall into one of the following four categories:

1. Actions categorically excluded from NEPA. These are "a category of actions which do not individually or cumulatively have a significant impact on the human environment ... and for which, therefore, neither an environmental assessment nor an environmental impact statement is required." (40 CFR 1508.4) A general list of BLM categorical exclusions (CEs) can be found in Department of Interior Manual 516 DM 6, Appendix 5.4; reference 5.4.C.(5) lists "Disposal of small amounts of miscellaneous vegetation products outside established harvest areas, such as christmas trees, wildings, floral products (ferns, boughs, etc.) cones, seeds, and personal use firewood" as a categorical exclusion.
2. Actions covered by an existing NEPA document. Many proposed actions occur under the "blanket" of a programmatic Environmental Impact Statement (EIS); such actions may require further site specific environmental analysis. Or, actions may be similar to projects for which environmental documents required by NEPA have already been prepared.

3. Actions requiring the preparation of an Environmental Assessment (EA). These actions are estimated to result in no significant impact to the human environment. EAs are required to "provide sufficient evidence and analysis for determining whether to prepare an environmental impact statement or a finding of no significant impact" and to "aid an agency's compliance with the act when no environmental impact statement is necessary." (40 CFR 1508.9)
4. Action requiring the preparation of an Environmental Impact Statement. EISs are required when an action is expected to result in significant impacts to the human environment. DOI Manual 516 DM 5.3 provides a list of major Federal actions normally requiring an EIS. Typically, actions under the special forest products program do not require an EIS.

Background: Westside Oregon

NEPA documentation for the issuance of Special Forest Products (SFPs) permits varies from District to District. It can be generally stated, however, that NEPA documentation and compliance for most SFPs is minimal.

The most consistent NEPA documentation and compliance is found in the area of more "traditional" minor forest products such as firewood, shakes, or cedar bolts. Either categorical exclusions or short Environmental Assessments (EAs) are prepared for most projects dealing with these commodities. In some instances, removal of firewood from a terminated timber sale area is considered to have been covered under the timber sale EA. The scope of NEPA documentation varies by project. Some districts document NEPA compliance on a permit-by-permit basis while others prepare a document covering a larger designated collection area.

There appears to be no formal public involvement or notification process in the SFP decision making model.

The Salem District has prepared a policy to complete a District programmatic categorical exclusion for the entire SFP program on an annual basis.

Background: Eastside Oregon/Washington

A survey of eastside Districts, including Spokane, found that NEPA compliance for SFPs was not considered a problem. This is because eastside Districts experience a very low demand for SFP permits due to the relatively low diversity of products available on BLM administered lands.

The majority of eastside SFP permits are related to firewood sales. Firewood collection is usually limited to existing residues (woody debris left from other management activities) or specified collection areas. EAs are typically completed for these projects. Due to low demand, a collection area covered under a single EA may be good for up to five years.

Background: U.S. Forest Service

A survey of nine National Forests in Oregon and Washington indicated a variance in NEPA compliance similar to that seen in BLM. Current Forest Plans cover SFPs in a very general way, if at all. Commercial permits are most likely to be covered with an EA or categorical exclusion, particularly if the project involves firewood. Personal use permits often lack any sort of formal NEPA compliance documentation. Forests in eastern Oregon and Washington experience much less demand for SFPs than western Oregon forests.

There appears to be little public involvement or notification in decisions regarding special forest products. All forests have directions to publish decisions in the newspaper.

List of Options

General Discussion

A wide variance exists in complexity and demand for different special forest products between the Districts. There is no one "right" procedure for complying with the legal requirements of NEPA. Documentation of the decision making process may vary from the simple (completion of one District-wide CE for all special forest products) to the very complex (completion of one CE or EA for each individual special forest product at the Resource Area level). The level of analysis and complexity of the NEPA process should be based on geographic location, type of product, and the potential level of harvest or collection.

As stated earlier, NEPA is a procedural law. From a NEPA standpoint, the most critical portion of the special forest products program is the documentation of the decision making process. The decision maker and interdisciplinary team must follow a defensible thought process when determining the necessary level of documentation for NEPA compliance. The level of public notification and participation would be linked to the level of NEPA documentation.

When applying the NEPA process, the following thought process should be followed. (In-depth information on NEPA procedures can be found in the BLM NEPA handbook, H-1790-1.)

1. Is the project listed as a categorical exclusion? Review Department of Interior Manual 516 DM 2, Appendix 1, and 516 DM 2, Appendix 5.4, to see if the proposed action fits a description of actions categorically excluded from NEPA. If the action fits the category, it must also be reviewed against the "Exceptions to Categorical Exclusion" listed in 516 DM 2, Appendix 2, or BLM NEPA Handbook, Appendix 4. This review should be documented. If the action meets the criteria of this review, the project may be implemented with no further requirements. Public involvement is not required to implement categorical exclusions.
2. Is the action covered by an existing EA or EIS? Relevant existing EAs and EISs should be reviewed to determine if the proposed action is already fully covered. Document review should include: (a) programmatic EISs; (b) EISs prepared in conjunction with RMPs or Wild and Scenic River nominations; (c) EAs prepared for activity plans (i.e., habitat management plans, allotment management plans, ACEC/RNA management plans; (d) other.

If an existing EA or EIS, either prepared by the BLM or prepared by another agency with the BLM as a cooperating agency, fully covers the proposed action, a decision on the action may be made without further NEPA analysis. If an existing EA or EIS prepared by another agency without the BLM as a cooperating agency fully covers the proposed action, it is necessary for the BLM to adopt the document before proceeding with the action. In the case of adoption, a public comment period would be required before the action could be implemented.

3. Will the proposed action require preparation of an EA? Actions which are neither categorically excluded, covered in an existing environmental document, nor normally subject to the EIS requirements contained in 516 DM 2, Appendix 5.3, must be analyzed

in an EA. District policy for public involvement in the EA process would need to be followed.

4. Will the proposed action require preparation of an EIS? Actions normally requiring an EIS are listed in 516 DM 2, Appendix 5.3. Typical actions proposed under the special forest products program are not expected to require an EIS. CEQ regulations are very specific about public involvement procedures in the preparation of an EIS (reference 43 CFR 1501.4(e), 1503.1(a)(3), and 1506.6).

Most SFP projects will require completion of an EA or documentation of the categorical exclusion review. Points to consider in the analysis should include an interdisciplinary review of: level of site specificity, harvest restrictions, identified collection areas, and identified restricted areas. The NEPA process should also consider the decision maker's familiarity with the impacted resource and the anticipated level of public interest.

Listing of Options

Once the decision has been made to prepare either a categorical exclusion or EA, the decision maker can choose how to apply the analysis to the ground. This can be done via one of the following procedures:

1. Jurisdictional:

A specific collection area would be identified and analyzed for collection of all SFPs. The size of the collection area could vary from a specific tract to the entire District. The document would contain a list of restricted locations (islands) within the specified collection area. All SFPs (recommended for identification in the FINAL RMP) would be available for collection within the collection area. Public notification procedures would follow individual District guidelines, procedures established by the BLM NEPA Handbook, and State Office policy.

2. Product Based:

A CE or EA would be prepared for each specific SFP or group of SFPs without concern for jurisdiction, other than to identify areas closed to collection of specific SFPs. Any applicable harvesting restrictions pertaining to a specific SFP would be identified. Public notification procedures would follow individual District guidelines, procedures established by the BLM NEPA Handbook, and State Office policy.

3. Permit-by-Permit Basis:

A site specific review and analysis would be completed as prospective permittees submitted requests for collection.

Public notification procedures would follow individual District guidelines, procedures established by the BLM NEPA Handbook, and State Office policy.

Analysis of Options

Option #1, Jurisdictional: This review process would provide adequate documentation for the protection of known sensitive or special areas. It would not provide for site specific

interdisciplinary review of specific resource issues related to particular SFPs. It would not provide site specific harvesting restrictions to protect any specific SFP. It would be general in scope; any potential challenge to the collection of a particular SFP could impact the entire SFP program.

Preparation of a District-wide CE or EA would require District-wide coordination. Such preparation could be difficult if the preparer is not familiar with the site specific resource values. The signer/decision maker (most likely the District Manager) would also be unfamiliar with the resource values involved. It could be difficult to defend the notion that the collection of numerous products across potentially hundreds of thousands of acres could be adequately analyzed.

Option #2, Product based: As in Option #1, this review procedure would provide adequate documentation for the protection of known sensitive or special areas. It would also provide protection for individual or grouped SFPs by providing specific harvesting restrictions. However, as no site specific collection area would be designated, this option would not provide analysis or protection for other resources which could be potentially impacted by SFP collection procedures. The lack of site specificity is a serious shortfall for this approach.

Option #3, Permit by permit: From a NEPA compliance viewpoint, this review would provide the best level of analysis. It would allow the decision maker to analyze both potential impacts to the particular SFP being collected and the site in which the collection would occur. This approach has serious operational shortfalls, however. It ignores the fact that some level of collection of "miscellaneous vegetation products" is categorically excluded. It would force the BLM into a reactive rather than a proactive role in the management of SFPs. It would not serve the public well, as potential permittees would be delayed while the BLM completed its analysis. It would be labor intensive as the interdisciplinary team responded to individual requests.

Recommendations (What, Where, When, and/or How)

The issue team recommends a combination of Options #1 and #2. This option would require the preparation of either a CE or EA for the sale or harvest of either specific SFPs or groups of SFPs. The team also recommends that decisions on SFP projects be made at the Resource Area level; this would ensure that decision makers are aware of site specific resource issues. Resource Area level allocations and restrictions pertinent to SFPs may be consolidated at the District level to streamline both the NEPA documentation and public involvement procedures.

Such plans would contain the following features at a minimum:

1. Identification of specific collection areas for each SFP or group of SFPs. Collection of products outside of designated areas would not be allowed.
2. Any required harvest or other environmental restrictions would be clearly identified.
3. Preparation of CEs or EAs would follow the procedural guidelines set in the BLM NEPA HANDBOOK.
4. Public involvement procedures would follow BLM NEPA Handbook and Oregon State Office guidelines.

Rationale

The issue team feels the recommended action best meets the intent of NEPA and the objectives of BLM for the following reasons:

1. It provides the identification of a specific project area with required mitigation that clearly identifies harvest or other environmental restrictions.
2. It provides a process for public involvement when determined necessary by the decision maker.
3. The decision maker would be familiar with the resource issues involved.
4. It allows Resource Area flexibility to use the full range of environmental analysis provided under the law. Documentation can be tailored to the level and scope of anticipated collection or harvest.

Implementation Procedure

Resource Areas should review the potential for the existence of specific SFPs to determine what specific collection areas should be targeted for CE review or environmental analysis.

Environmental analysis should be completed well in advance of anticipated collection or harvest seasons. District personnel familiar with the SFP program are aware of seasonal demands and should be contacted to provide a "bottom line" implementation date for projects.

Resource Area Interdisciplinary teams should review existing environmental documents to see if the collection of SFPs is already documented for particular areas. For example, any existing plans for Special Areas (RNAs, ACECs, Wild and Scenic Rivers, SOMAs, etc.) should be reviewed to see if they have already placed restrictions on the use of SFPs. Completed timber sale EAs may cover the collection of firewood.

The new FINAL Western Oregon RMPs should address SFPs to at least the following detail:

- Provide a list of existing and potential SFPs known to occur in the planning area.
- Identify areas to be closed to all SFP activity.
- Identify potential SFPs which may require preparation of a product-specific management plan.

Public involvement is encouraged and may be required. ID Team leaders should review public involvement procedures in the BLM NEPA handbook.

ISSUE ANALYSIS
Special Forest Products Management

Major Issue: NEPA PROCESS

Subissue: Special Areas (Areas with special management designation: ACECs, ONAs, Wilderness Study Areas, Wild and Scenic Rivers, HCAs, DCAs, CHUs); includes portion of the subissue of updating existing management plans for ACECs, RNAs, etc.

NOTE: It was necessary to categorize this Issue Analysis by type of Management Area, because of the widely divergent policy and management practices involved with different "Special Area" designations. This dichotomy makes for a lengthy analysis, but helps clarify the development of options and recommendations. Separate analyses for eastside Oregon/Washington and westside Oregon are unnecessary because consistency in regulations and policy governing the management of "Special Areas," rather than differences in available products, is the principal factor in determining NEPA compliance with SFP use and collection.

AREAS OF CRITICAL ENVIRONMENTAL CONCERN (ACECs)

Background or Present Situation/Practices
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Policy

ACEC designation includes designations for Research Natural Areas and Outstanding Natural Areas (BLM Manual 1613.53 and 1623.31). Supplemental guidance for specific designations is provided in BLM Manual 1621, 1622, and 1623. Primary guidance for identification, evaluation, and designation of ACECs in Resource Management Plans is provided in Manual 1613.

Activity Plans for ACECs are not required. General management practices, allowable uses and constraints, and mitigation measures to protect designated ACECs should be identified in management prescriptions developed in the RMP (BLM Manual 1613.62). Management activities and anticipated future uses considered compatible with the purposes of an ACEC designation, and those considered incompatible, must be described as part of the multiple use prescription developed for each ACEC (BLM Manual 1613.33C).

Any authorized or permitted activity that could affect an ACEC must have a "decision instrument" authorizing the specific action and including a description of special management measures being applied to protect the ACEC. An environmental analysis for a proposed action that could affect an ACEC must identify impacts on the ACEC, and must incorporate by reference the pertinent portions of the EIS prepared for the RMP. (BLM Manual 1613.64)

Current Practices

Several District offices, both eastern Oregon/Washington and western Oregon, were surveyed to determine current practices and NEPA documentation of SFP collection within ACECs. Practices vary widely but can be summarized in the following general categories:

1. Some ACECs have specific management or activity plans completed. Of those with developed plans, SFP use is usually addressed in the plan, directly or indirectly. Most direct discussions are focused on firewood and personal use collection. Some plans prohibit the commercial collection of vegetative material without a permit. In practice, collection of SFP is usually not allowed or is "actively discouraged" in RNAs and ONAs, and is allowed only as salvage/hazard removal in most other ACECs, whether or not SFP collection is addressed in the plan. Few individual plans have Environmental Assessments or other NEPA documentation associated with them. SFP use is either not analyzed or is addressed with a Categorical Exclusion.
2. Some ACEC management prescriptions are addressed in current Land Use Plans (completed eastside RMPs). SFP use is generally not addressed in these prescriptions, other than by generally restricting activities that would not be compatible with designation. SFP collection is generally handled the same as in those ACECs with activity plans, i.e., is usually not allowed. NEPA documentation is implied with the RMP/EIS although specific analysis is usually lacking.
3. Similar to 2, above, most RMPs on westside Districts are addressing ACEC designation, including existing ACECs which may be covered by an existing management plan, as under 1, above. RMPs are not being written to identify, authorize, or prohibit specific activities. Most defer SFP collection, use, and limitations to specific management plans for the ACEC. For instance, Salem's RMP states:

"Existing special areas selected for continued management as special areas would be administered generally in accordance with existing guidelines (i.e., approved site-specific management plans or guidelines equivalent to those in the MFPs). Management plans would be written or updated as needed."

The Salem District has recently (June 1992) issued a Manual Supplement, H-5400-1, that provides guidance for management of SFP. The manual generally prohibits the collection of SFP within ACECs and other specially designated management areas, unless specifically allowed for in the individual management plan for a specific area. NEPA documentation for permits or contracts for the general collection of SFP is to be provided by a District-wide Categorical Exclusion, which is to identify specific products, harvest restrictions, and locations which will be included under the CX. Additional NEPA documentation (EA or CX) would be required for products or locations not specifically identified in the District-wide CX, or when there is additional environmental concern or sensitivity.

List of Options

1. Continue current practices: Each District would assess the need for and manner of NEPA documentation, depending on current management and restrictions on collection of SFP within individual ACECs. NEPA documentation would be provided in RMP/EISs, pursuant to BLM Manual 1613. RMP/EIS amendments would be needed where NEPA

documentation of SFP management is not currently present or adequate. (Refer to the subissue on SFP in the RMP/EIS for related discussion.)

2. Individual or Resource Area-wide ACEC EA: Prepare Environmental Assessments to analyze management activities within individual ACECs. ACEC Management Plans could be completed to facilitate impact analysis. Existing ACEC Management Plans would be updated to include SFP collection and restrictions. SFP collection would be prohibited until NEPA documentation is completed. Optionally, collection of SFP could be addressed in NEPA documentation (EA) which addresses impacts of management for all ACECs collectively within each Resource Area or District. Documentation of SFP collection in RMP/EISs would be limited to land use allocation and general restrictions that would be placed on collection within ACECs. Impact analysis in RMP/EIS would be programmatic, and would document the need for site specific analysis for each ACEC.
3. Product/resource based: Prepare NEPA documentation which generally addresses management of all SFP throughout each Resource Area or District. Collection of SFP within designated ACECs would be specifically addressed in the document.
4. Permit by permit: Require completion of NEPA documentation (EA) for each SFP collection permit or contract if and when proposed in individual ACECs.

Analysis of Options

1. Continue current practices: NEPA documentation included in RMP/EIS. Districts determine the need and level of additional documentation. (Refer also to the subissue of Inclusion of SFP in RMP/EISs for discussion related to this option.)

Current NEPA documentation for SFP collection within ACECs varies widely, primarily because of the diverse range of product availability, resource values, and reasons for designations. Many ACECs do not have management plans. Of those with management plans, most either do not have NEPA documentation of any kind, or impacts are presumed to be analyzed in existing MFP or RMP EISs. Yet most Final EISs defer analysis and maintain that management activities such as SFP collection would be allowed only as consistent with management objectives of the ACEC.

Relation of ACEC Option 1 to Inclusion of SFP in RMP/EIS subissue: The Issue Analysis Team recommends adopting Option 3 for western Oregon. Option 3 would provide that land allocations, including ACECs, would be made for lands closed or open for SFP collection in the Final RMP/EIS. Districts also would have the option to include specific guidelines and standards in the Final RMP/EIS. However, the level of impact analysis done for RMP/EISs would be general in nature, and may not be adequate to address the site specific effects to unique resources within ACECs.

The Issue Analysis Team recommends adopting Option 2 for eastern Oregon/Washington. Option 2 maintains that general NEPA analysis described under the Clarification of the NEPA Process subissue would be appropriate, and amendments to existing Final RMP/EISs would be unnecessary. Regardless of the currently low level of significance of SFP collection in eastern Oregon/Washington in general, an analysis of site specific impacts is warranted for management activity that could potentially affect sensitive or unique resources within ACECs.

2. Individual or Resource Area-wide ACEC EA: Environmental Assessments prepared for each ACEC management plan, or for all ACECs collectively within each Resource Area or District. (Refer also to the subissue on Clarification of the NEPA Process for discussion related to this option.)

Policy guidance under BLM Manual 1613 does not require that a plan be prepared for each ACEC. This policy is based on the assumption that multiple use prescriptions will be developed for each ACEC under the RMP/EIS. However, as discussed under Option A, RMP/EISs do not always identify specific management or analyze impacts of SFP collection, and usually refer to management objectives as outlined in existing management plans.

Relation of ACEC Option 2 to Clarification of NEPA Process subissue: The Issue Analysis Team recommends a combination of Options 1 and 2 under the Clarification of NEPA Process subissue. This recommendation would combine jurisdictional and product or resource-based review for NEPA compliance of SFP collection. This would provide some review and documentation for SFP collection in ACECs. However, an important consideration that is not necessarily addressed in the general NEPA Process recommendation is the special management status inherent in ACEC designation. Combining the review of SFP collection in ACECs with other general collection areas or with the collection of particular species could detract from the focus that would be appropriate for ACEC values. There would be no guarantee of adequate analysis of potential impacts to unique resources associated with ACECs.

ACEC Option 2, which would require specific documentation for each ACEC or for ACECs collectively within each Resource Area, would allow the ID Team to segregate and emphasize the special resources and management considerations associated with ACECs. While ACEC Option 2 does not necessarily require the preparation of an ACEC Management Plan, it does require that impact analysis and NEPA documentation be focused on the effects of SFP collection (and other management activities) on resource values unique to ACECs. Impact analysis would be most logically focused on a proposed management plan, rather than on isolated management activities that could occur within an ACEC. Preparation of individual or Resource Area-wide ACEC Management Plans, or updating existing ACEC Management Plans, would facilitate analysis of interrelated actions and cumulative effects.

3. Product/resource based: NEPA documentation addresses management of all SFP throughout each Resource Area or District. (Refer also to the subissue on Clarification of the NEPA Process for discussion related to this option.)

If ACECs were specifically addressed under this option, it would be adequate to document protection of known sensitive plants within ACECs. The disadvantage of this option is similar to that discussed under ACEC Option 2: Combining impact analysis for ACECs with review of SFP collection in general could detract from the focus that would be appropriate for ACEC values.

Relation of ACEC Option 3 to Clarification of NEPA Process subissue: As discussed under ACEC Option 2, the Issue Analysis Team recommendation combining area or jurisdictional review and product or resource-based review would not adequately consider unique resources associated with ACECs.

4. Permit by permit: NEPA documentation (EA) for each SFP collection permit by permit.

This option would provide the most comprehensive level of NEPA documentation although it would be the most demanding for time and manpower, and would sacrifice the efficiency that could be gained by analyzing the impacts of all management activities at the ACEC management plan level. Cumulative effects would also be very difficult to track.

Recommendations (What, Where, When, and/or How)

The Issue Team recommends adoption of Option 2, Preparation of Individual or, optionally, Resource Area-wide Environmental Assessments to analyze management activities, including SFP collection, within ACECs. Documentation in RMP/EIS should be general or programmatic, with reference to site specific analysis for each ACEC. Management Plans should be prepared, or existing Management Plans updated, to identify all management activity within each ACEC.

Rationale

Preparation of site specific environmental analyses is warranted for the unique resources implicit in ACEC designation. Current policy requiring that ACEC management prescriptions be addressed in RMP/EISs is not sufficiently specific to comply with NEPA requirements for analysis of adverse effects on unique resources. Updating existing Final RMP/EISs, or inclusion of specific ACEC management guidelines in Final RMP/EISs for western Oregon Districts, could be difficult to make sufficiently site specific to address unique resources in individual ACECs.

Documentation of the impacts of SFP collection by species or product at the Resource Area level, as recommended by the Issue Team for general SFP collection (subissue Clarification of NEPA Process), does not guarantee adequate analysis of potential impacts to unique resources associated with ACECs.

Preparation of individual EAs on a permit-by-permit basis would provide better documentation than attempting to include site specific analysis in RMP/EISs, but could be too labor and time intensive and may not address interrelated actions and cumulative effects as well as documentation at the ACEC Management Plan level.

Completion of ACEC Management Plans, or revision of existing ACEC Management Plans to include collection of SFP where appropriate, is necessary to ensure an adequate analysis of all management activity within ACECs. A narrow analysis focusing on the effects of SFP collection alone, even in individual EAs for each ACEC, would not adequately meet NEPA requirements for analysis of interrelated actions and cumulative effects.

Implementation Procedure

Western Oregon Districts should include land use allocations and identify general restrictions on SFP collection within ACECs in Final RMP/EISs. Reference to existing ACEC Management

NEPA Process

Plans and management objectives may be made, although SFP collection and other management actions should be identified and analyzed sufficiently to allow some level of tiering for cumulative effects and actions interrelated to areas outside of ACECs. Need for additional site specific analysis should be referenced.

Eastern Oregon/Washington should review existing ACEC Management Plans and completed Final RMP/EISs in light of ACEC management objectives to determine the need for plan amendments to include SFP collection. Development of new ACEC Management Plans or revising existing plans should minimize the need for RMP/EIS amendments at this time.

Districts should assess current and proposed ACECs to determine whether individual or collective ACEC Management Plans are more appropriate. Number of ACECs, similarities in resources, and reasons for designation and management objectives should be considered in making this determination. Existing plans should be reviewed to determine the potential for combining into a collective plan.

New plans and the revision of existing plans should incorporate management proposals for SFP collection. Existing and potential SFP availability within each ACEC should be discussed in the plans.

Environmental Assessments for each ACEC Management Plan should analyze site specific impacts of SFP collection on other resources and on unique values contributing to ACEC designation. Analysis can be tiered to general analysis in RMP/EIS. Cumulative effects and interrelated/interconnected actions not addressed in RMP/EIS should be described and analyzed.

WILDERNESS AREAS AND WILDERNESS STUDY AREAS (WSAs)

Background or Present Situation/Practices

Policy

Policy and guidance on management of designated wilderness is provided in BLM Manual 8560 and Handbook 8560-1. Management of the wilderness resource is dominant. Use of fuel wood is authorized for wilderness camping (8560.31C). Cutting of trees, shrubs, and other vegetation is prohibited for "non-wilderness uses" except for valid mining claims and emergency purposes (8560.33A). Hobby collection of minerals is allowed (8560.34F).

NEPA compliance for Wilderness Management Plans is addressed in 8560.51A6:

"Upon completion of the [Wilderness Management Plan] for an area, the viability of activities, programs, or projects must be determined through the BLM's environmental assessment process. If the proposed action is part of an approved WMP, the environmental assessment considers if it is the best way to meet objectives of the plan from an on-the-ground perspective and if the action conforms to other applicable elements of the BLM's legislative and regulatory mandate. If the proposal is not part of the WMP, the environmental assessment is used also to determine if it is in conformance with the WMP. Proposals found to be inconsistent with the WMP or other applicable BLM guidance must be modified or disapproved, as appropriate.

Revised Implementing Procedures for NEPA (Federal Register Vol. 57, No. 62, March 31, 1992) added proposals for Wilderness to the list of Major Federal Actions normally requiring

an EIS. The Oregon Wilderness Final EIS, completed December 1989, describes and analyzes Wilderness Study Areas (WSAs) currently being reviewed for suitability and potential designation.

Interim management policy and guidelines for Wilderness Study Areas is provided in BLM Manual 8550 and Handbook H-8550-1. The policy specifies that "Hobby collection of mineral specimens and vegetative specimens may be allowed." (H-8550-1, Section IIIA)

Current Practices

Management Plans reviewed for currently designated wilderness areas generally prohibit the removal of trees, shrubs, wildflowers, and other vegetation for non-wilderness purposes, as specified under policy. Dead, down fuel wood may be used for wilderness camping. The Environmental Assessment for the Salem District's Table Rock Wilderness Area was reviewed. Although collection of SFP is not specifically addressed, the analysis in the EA implies that no SFP would occur. The Salem District's Manual Supplement H-5400-1 states that, unless allowed for in the individual management plan for a specific area, permits or contracts for the collection of SFP will not be issued in designated Wilderness Areas.

Wilderness Study Areas throughout the State are being managed pursuant to Handbook H-8550-1. Since O&C lands were exempt from the Wilderness Review Process and Interim Management Policy, virtually all WSAs are located in eastside Oregon Districts. The Soda Mountain WSA (5640 acres, Medford District), Mountain Lakes WSA (334 acres, Lakeview District) and the Zwagg Island and North Sisters Rock WSAs (8 acres, Coos Bay District) are exceptions.

In practice, SFP collection is generally not allowed in the WSAs. Wilderness and SFP coordinators indicated the assumption that NEPA documentation for SFP collection is addressed in The Oregon Wilderness EIS. In fact, the EIS consideration of "Minor Forest Products" is limited to juniper firewood, posts and poles, in only three WSAs (EIS, Vol. 1, p. 61). The EIS analysis states that harvest of these products would be precluded by wilderness designation. There is no analysis or other identification of SFP of any kind, although SFP would presumably be available in nine WSAs that were identified as having commercial forest land with potential commercial timber yield (EIS, Vol. 1, p. 63).

List of Options

1. Continue current practices. NEPA documentation for SFP collection (or restrictions thereon) would be provided in individual Environmental Assessments written for Wilderness Management Plans for each designated Wilderness Area. Although policy detailed in BLM Manual 8560 prohibits collection and other "non-wilderness" uses within designated Wilderness Areas, guidance should emphasize that restrictions and conditions on SFP use should be specifically addressed in each new Wilderness Management Plan/EA as it is developed. Wilderness Plan amendments would be required where NEPA documentation of SFP management is not currently present or adequate.

Documentation for SFP collection within WSAs pending suitability determination and designation or release from study would be provided by analysis contained in the Oregon Wilderness EIS, with no further documentation or analysis.

2. Individual or Resource Area-wide WSA EA: Prepare Environmental Assessments to analyze management activities within individual WSAs which are not adequately addressed in the Oregon Wilderness EIS. Optionally, a single EA could be prepared to address impacts of management for all WSAs collectively within each Resource Area or District, depending on the numbers of WSAs and similarities in resources and SFP availability. EAs would address impacts to site specific resource values and wilderness suitability resulting from interim management activities not documented in the Oregon Wilderness EIS, including SFP collection and restrictions. SFP collection would be prohibited until NEPA documentation is completed.
3. Product/resource based: Prepare NEPA documentation which generally addresses the management of all SFP throughout each Resource Area or District. Collection of SFP within designated Wilderness Areas and WSAs would be specifically addressed in the document.
4. Permit by permit: Require completion of NEPA documentation (EA) for each SFP collection permit or contract if and when proposed in individual WSAs, pending determination of wilderness suitability and designation or release from wilderness consideration.

Analysis of Options

1. Continue current practices. Individual EAs on Wilderness Management Plans. Documentation for WSAs through Oregon Wilderness EIS.

All District offices currently appear to be complying with the Policy for Wilderness Management Plan development and environmental documentation for designated Wilderness Areas with Wilderness Management Plans. Option 1 would conform to policy, and would appear to meet NEPA documentation requirements for designated Wilderness Areas, provided restrictions on SFP collection is specifically addressed and analyzed.

Even though current management of WSAs (prohibiting SFP collection) is apparently intended to maintain wilderness characteristics pending designation, the interim management policy for WSAs clearly allows collection of vegetation. Although the Oregon Wilderness EIS is comprehensive and well-written in many respects, SFP potential and impact analysis does not appear to be adequately addressed in the document. The availability or potential for SFP collection is not even addressed for many of the WSAs otherwise identified as providing potential for commercial forest products, and impact analysis is limited to juniper posts, poles, and firewood in only three WSAs.

2. Individual or Resource Area-wide WSA EA: Prepare Environmental Assessments to analyze management activities within individual WSAs.

Individual or area-wide documentation for all WSAs would further ensure NEPA compliance for SFP collection, if permitted. This option would be an additional level of NEPA documentation that could serve as an interim measure pending completion of Wilderness Management Plans as each WSA is approved for designation. EAs completed for WSAs could be amended as necessary if and when final designation is made. Much of the analysis for each EA could be tiered to the Oregon Wilderness EIS.

Developing Resource Area-wide documentation would require a considerable amount of effort. This effort would appear to be inordinate, in view of current management practices of virtual categorical prohibition of SFP collection within WSAs, although the work completed for this option would be useful in developing the analysis for the Wilderness Management Plan/EA, if the designation is made. There would be a great deal of redundancy with the Oregon Wilderness EIS.

3. Product/resource based: NEPA documentation addresses management of all SFP throughout each Resource Area or District.

If WSAs were specifically addressed under this option, it may be adequate to document protection of known sensitive plants within the WSAs. The disadvantage of this option is that, in combining the review of SFP collection in WSAs with other general collection areas or with the collection of particular species, it would be difficult to ensure adequate analysis of potential impacts of SFP collection to unique resources associated with wilderness character and potential suitability of WSAs.

4. Permit by permit: Require completion of NEPA documentation (EA) for each SFP collection permit.

Individual EAs written for each SFP collection permit would appear at first to be a large and redundant workload. However, given current management practices, there is little likelihood of very many SFP collection permits being authorized. This option would allow the flexibility of allowing SFP collection within WSAs on a case-by-case basis, and would require environmental assessment and documentation only for specific projects, rather than for a broad category of management actions that may not occur. Cumulative effects and interrelated/interconnected actions would have to be analyzed in each EA, as there is no analysis in the Oregon Wilderness EIS to tier to.

5. Prohibit collection: Categorically prohibit collection of SFP within WSA's designation.

Recommendations (What, Where, When, and/or How)

For currently designated Wilderness Areas, the Issue Team recommends adoption of Option 1, continue current practices of documenting impacts in individual EAs on Wilderness Management Plans. Existing WMPs and EAs should be reviewed for adequate consideration of SFP collection, and amended if appropriate.

For Wilderness Study Areas being managed under interim guidelines pending suitability determination, the Issue Team recommends adoption of Option 4, NEPA documentation (EA) for each SFP collection permit.

Rationale

Policy direction included in BLM Manual 8560 clearly and specifically established requirements for NEPA documentation to review activities for conformance with existing Wilderness Management Plans. The Manual also specifies management objectives for the wilderness resource and guidelines for restrictions on use of SFP (trees, shrubs, and other vegetation), which should clarify the very limited acceptable uses of SFP, such as fuel wood, within

designated Wilderness Areas. This existing policy is adequate to ensure NEPA documentation, with little additional work to amend EAs for those designated areas where the potential for SFP use may exist.

Interim management policy for WSAs pending suitability determination specifically allows SFP collection. Current management practices which prohibit the collection of SFP in order to ensure protection of wilderness character pending suitability determination may be in violation of this policy. Some form of NEPA documentation is required in order to allow flexibility in allowing the collection of SFP under specific limited conditions. The Oregon Wilderness EIS, while quite detailed and comprehensive, fails to identify the potential for impacts in the small number of WSAs where SFP collection would be available. Completion of EAs on a permit-by-permit basis is a practical method of providing NEPA documentation, while allowing SFP collection as provided under interim management policy. Permit based EAs would be specific to the species, use, and resource values affected by a particular permit, and would be more efficient than WSA management level documentation, because of the limited number of permits potentially affecting WSAs.

Completion of EAs for each WSA simply to document SFP potential is not warranted, given the otherwise excellent NEPA documentation included in the Oregon Wilderness EIS. EAs written on a Resource Area-wide product or species basis (as recommended by the Issue Team for subissue on Clarification of NEPA Process) would probably not be specific enough to document impacts to wilderness values, although these EAs could be tiered to where appropriate when preparing individual permit EAs.

Implementation Procedure

Districts should review existing Wilderness Management Plan/EAs to determine that conditions of SFP use for wilderness related purposes (e.g., fuel wood while camping) are adequately addressed. Plan amendments and EA revisions should be made as needed. New Wilderness Management Plans/EAs should incorporate management conditions and the analysis of impacts for SFP collection. Existing and potential SFP availability within each Wilderness Area should be discussed.

Applications for collection of SFP that may affect a WSA should be reviewed to determine if it is feasible to issue a permit for the proposed use. An interdisciplinary team should be assigned to analyze the potential impacts of the proposal on resource values within the WSA, including wilderness character and the potential for affecting a suitability determination. An Environmental Assessment should be prepared, and a FONSI and Decision Record completed before issuing any permit. If impacts are identified that could affect wilderness suitability, alternatives to modify the proposal or deny the permit should be fully analyzed. Cumulative effects and interrelated/interconnected actions should be fully considered. The EA should be tiered to the Oregon Wilderness EIS, where appropriate although site specific impacts of the SFP use will certainly have to be addressed in the EA, since the EIS does not fully analyze the potential for SFP use in most WSAs.

WILD AND SCENIC RIVERS

Background or Present Situation/Practices

Policy

Guidance for identification, evaluation, and management of river segments designated or eligible for designation under the National Wild and Scenic Rivers System is provided in BLM Manual 8351, issued in May 1992. There is no specific guidance for use or restrictions on SFP within designated or eligible WSR segments, other than to generally manage all eligible river segments as necessary to ensure that the existing qualities upon which the eligibility is based are not degraded (8351.06D). Section 10(a) of the Wild and Scenic Rivers Act states that each component of the wild and scenic river system shall be administered to protect and enhance the values which caused the river to be included, without limiting other uses that do not substantially interfere with public use and enjoyment of the values. Recreation use including, but not limited to, hiking, fishing, hunting, and boating is specifically encouraged to the extent consistent with the protection of the designated or highest eligible river segment. Public use and access may be regulated where necessary to protect or enhance river-related values.

Guidance on NEPA documentation is limited to requiring that elements of the WSR river study report should summarize and incorporate all relevant river information contained in the RMP and associated EIS (8351.43). Revised Implementing Procedures for NEPA (Federal Register Vol. 57, No. 62, March 31, 1992) added proposals for Wild and Scenic Rivers to the list of Major Federal Actions normally requiring an EIS.

Current Practices

Most Wild and Scenic River plans for existing congressionally designated river segments are in draft form, with "draft" Environmental Assessments being completed in conjunction with the plans. One Designated River--the Rogue, in the Medford District--has no environmental documentation, since the designation was made prior to the passage of NEPA.

WSR Management Plans/EAs generally focus on issues involving recreation management and on protection of the Outstandingly Remarkable Resource Values on which designation was based. SFP collection is generally not specifically addressed in WSR Management Plans, except for firewood in some instances. Although not prohibited by policy, most SFP coordinators or recreation planners indicated that SFP collection would likely not be authorized in WSR corridors, based on the premise of protecting values and qualities which contribute to eligibility.

Other than as specifically provided in an individual WSR management plan/EA, there is no prevailing policy or restrictions prohibiting SFP collection within WSR corridors. The Salem District's Manual Supplement H-5400-1 states that, unless allowed for in the individual management plan for a specific area, permits or contracts for the collection of SFP will not be issued in areas designated as Wild and Scenic River Segments.

Decisions for nomination of suitable or eligible river segments will be made in conjunction with western Oregon RMP/EIS Records of Decision. RMP/EISs do not specifically address SFP collection. Analyses typically maintain that, although resource management activities would not be precluded within administrative boundaries of eligible river segments, river-related Outstandingly Remarkable Values would be protected, and the highest tentative river classification would be maintained. Interim management guidelines for river segments suitable

for Wild River classification specify that no resource-disturbing activities would be allowed on BLM-administered land within the administrative boundaries of the segment.

Management of other designated "Special Areas", i.e., WSAs, ACECs, etc., is compatible with and may occur within or coincidental to Wild and Scenic River designation. Existing management plans and associated NEPA documentation (or lack thereof) for additional "Special Area" designations within designated or nominated WSRs may or may not address SFP collection.

List of Options

1. Continue current practices: NEPA documentation for SFP use in existing Congressionally designated WSRs would be provided as developed in existing final or draft WSR Plans/EAs. WSR Plan amendments would be required where NEPA documentation of SFP management is not currently present or adequate.

Documentation for SFP collection within river segments being analyzed for suitability would be provided in RMP/EISs. RMP/EIS amendments would be required, or changes made between Draft and Final, where NEPA documentation of SFP management is not currently present or adequate. (Refer to the subissue on SFP in the RMP/EIS for related discussion.) Guidance should emphasize that SFP use be specifically addressed in each new WSR Management Plan/EA as it is developed following designation.

2. Product/resource based: Prepare NEPA documentation which generally addresses management of all SFP throughout each Resource Area or District. Collection of SFP within designated WSRs and river segments currently under consideration would be specifically addressed in document.
3. Documentation commensurate with other management: Require NEPA documentation as appropriate for other management objectives within WSR corridor. Specifically, the combined jurisdictional/product based documentation recommended by the Issue Team (see Clarification of NEPA Process subissue) would be considered adequate, unless other management designations (WSA, ACEC, RNA) are included within the WSR corridor. Review of individual permit applications would allow Districts or Resource Areas discretion to require additional NEPA analysis if Outstandingly Remarkable river-related values could be affected by SFP collection.
4. Permit by permit: Require completion of NEPA documentation for each SFP collection permit or contract if and when proposed in individual WSRs or river segment under consideration, pending determination of suitability and designation.

Analysis of Options

1. Continue current practices: Individual EAs on WSR Management Plans. Documentation for river segments under consideration through RMP/EIS.

All District offices currently appear to be complying with the Policy for Wild and Scenic River Management Plan development and environmental documentation for designated WSR Management Plans. Option 1 would conform to policy and would appear to meet

NEPA documentation requirements for designated WSRs, provided SFP collection is specifically addressed and analyzed. Existing WSR Management Plans would have to be amended where necessary to adequately address SFP collection. Draft plans would be revised to include SFP collection in the Final.

The interim management policy for river segments under consideration clearly allows for recreational use and does not specifically prohibit the collection of vegetation, other than to restrict resource-disturbing activities within the administrative boundaries of river segments eligible for Wild River designation. SFP potential and impact analysis does not appear to be adequately addressed in draft RMP/EISs. Revisions to RMP/EIS could be made between the Draft and Final to include analysis of the effects of SFP collection. However, the issues of analyses in the RMP/EISs is more to analyze effects on Remarkably Outstanding Values as they determine the potential for nomination and the suitability for Congressional designation.

2. Product/resource based: NEPA documentation addresses management of all SFP throughout each Resource Area or District.

If river segments under consideration were specifically addressed under this option, it may be adequate to document protection of known sensitive plants within administrative boundaries of potential WSRs. There is some disadvantage to combining the review of SFP collection in potential WSRs with the collection of particular species, as it would be difficult to ensure adequate analysis of potential impacts to Outstandingly Remarkable river-related values associated with eligibility of the river segments.

3. Documentation commensurate with other management: NEPA documentation appropriate for other management objectives.

This option would allow the District/Resource Area to use NEPA documentation prepared as recommended by the Issue Team (see Clarification of NEPA Process subissue), while allowing the flexibility of requiring additional analysis (as Option 4, below) if potential impacts to Outstandingly Remarkable values are identified through permit review. Other "Special Area" management designations included within the administrative boundaries would be documented as appropriate.

4. Permit by permit: NEPA documentation for each SFP collection permit.

This option would provide the most comprehensive level of NEPA documentation although it would be the most demanding for time and manpower. Management objectives and resource values contributing to WSR suitability are generally not as restrictive or sensitive to SFP collection as those that may be involved in ACEC or Wilderness designation. The additional workload required to prepare an EA for each permit within all river segment administrative boundaries may not be warranted.

Recommendations (What, Where, When, and/or How)
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For existing Congressionally designated WSRs, and for newly designated WSRs for which Management Plans will be completed, the Issue Team recommends adoption of Option 1, continue current practices of documenting impacts in individual EAs on WSR Management Plans. Existing WSR Management Plans/EAs should be reviewed for adequate consideration of SFP collection, and amended if appropriate.

For river segments being managed under interim guidelines pending eligibility and suitability determination, the Issue Team recommends adoption of Option 3, NEPA documentation commensurate with other management objectives, with District/Resource Area discretion to prepare EAs for individual permits where review indicates a potential for impacts to Outstandingly Remarkable river-related values.

Rationale

Completion of EAs with WSR Management Plans is adequate to ensure NEPA documentation, so long as existing EAs for existing designated areas are amended where SFP use is not addressed. Plans/EAs for river segments designated in the future should include adequate consideration of SFP collection, as appropriate.

WSR Management objectives are intended to provide for the continued multiple use of resources within river segments, with the provision that the Outstandingly Remarkable resource values that contribute the river's suitability for WSR classification are enhanced or not impaired. Appropriate resource uses which are compatible with management objectives for the general land base are documented in the RMP/EIS. SFP collection would be adequately addressed in NEPA documentation recommended by the Issue Team under the Clarification of the NEPA Process subissue, with no further evaluation necessary.

RMP/EIS amendments would not be the most efficient method of documenting impacts, since SFP collection would seldom have a direct effect on the analysis of impacts to resource values contributing to WSR eligibility. Review of SFP collection on a permit-by-permit basis, and completion of individual EAs when appropriate, is a practical method of providing NEPA documentation when SFP collection could detract from the Outstandingly Remarkable resource values contributing to WSR eligibility.

Implementation Procedure

Districts should review existing draft WSR Management Plan/EAs to determine if SFP collection is adequately addressed. WSR Management Plan amendments and EA revisions should be made as needed. New WSR Management Plans/EAs should incorporate an analysis of impacts for SFP collection. Existing and potential SFP availability within each WSR should be discussed.

Applications for collection of SFP that may affect potential WSR suitability should be reviewed. If the Outstandingly Remarkable river-related values could be affected, an Environmental Assessment should be prepared, and a FONSI and Decision Record completed before issuing the permit. If impacts are identified that would affect WSR suitability, alternatives to modify the proposal or deny the permit should be fully analyzed. The EA should be tiered to the RMP/EIS where appropriate.

SPOTTED OWL MANAGEMENT AREAS (DCAs, CHUs, HCAs)

Because of the continued state of uncertainty involved in the policy for management of areas associated with spotted owl habitat management, the Issue Team concluded that addressing NEPA compliance of SFP use in these areas would be premature. The Team recommends continuation of current practices to comply with the Endangered Species Act, including May

Effect/No Effect by qualified wildlife biologists, and determination and consideration of consultation requirements pursuant to Section 7 of the ESA. NEPA documentation over and above these requirements should be commensurate with the general land base or other "Special Area" designations, as applicable.

ISSUE ANALYSIS

Special Forest Products Management

Major Issue: NEPA PROCESS

Subissue: Inclusion of Special Forest Products in Resource Management Plans/Environmental Impact Statements

Background or Present Situation/Practices
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Western Oregon

Western Oregon Districts are in the process of completing their respective Draft Resource Management Plan and Environmental Impact Statement (RMP/EIS). Examination of the most recent version of Chapter 2 (Description of the Alternatives, Including the Preferred Alternative) available from each District showed that each discusses the collection of "minor" (special) forest products. However, the discussion is limited to stating that this use would be accommodated: "to the extent of product availability, funding to administer transactions, and consistency with plan objectives"; "consistent with other land use allocations"; or "consistent with resource objectives." An assessment of the consistency of the collection of minor forest products with other resource values is not included. Chapter 3 (Affected Environment) of the three District versions examined do not contain a discussion of the special forest products (SFP) program. Chapter 4 (Environmental Consequences) prototypes did not contain any analysis of the effects of the collection of minor forest products in either the timber or vegetation sections. Chapter 4 from Districts other than Lakeview was not available at the time of this report. The Lakeview (Klamath Falls) version of Chapter 4 does not contain any analysis of the effects of the collection of SFP, and most likely none will be included in the Draft RMP/EISs sent to the public for review and comment.

Eastern Oregon/Washington

A review of available Draft and Final RMP/EISs found that SFP are dealt with briefly, mostly in the context of accommodating the collection of firewood, posts and poles, and juniper boughs. Analysis of effects is minimal, and, if present, focuses on effects to forest management. In the case of firewood collection, additional discussion of effects is included in the Air Quality section of the chapter on Environmental Consequences. The Three Rivers Draft RMP/EIS lists acres available, by alternative, for the harvest of woodland products.

U.S. Forest Service

Eleven National Forests in Oregon and Washington were either contacted or their Land and Resource Management Plan/EIS reviewed. Most Forests address SFP briefly, and the primary emphasis is on the firewood program. The Willamette National Forest is planning on writing a Forest Plan Amendment to address SFP. Their Plan Amendment would develop forestwide standards and guidelines for SFP collection, with additional standards for specific areas such as wilderness, riparian zones, and roadless areas.

<p>List of Options</p>

Differences between options are in bold type.

Western Oregon

1. In the Draft RMP/EIS, do not address SFP in any further detail than already exists. Do not expand discussion or increase the current level of analysis in the Final EIS. Limit analysis of effects to Environmental Assessments and Categorical Exclusions. Do not make any allocations for lands to be either open or closed to, or seasonally restricted for, the collection of SFP in the RMP. Do not outline standards and guidelines for the collection of SFP in the RMP.
2. In the Draft RMP/EIS, do not address SFP in any further detail than already exists. **Expand** discussion and increase the current level of analysis in the Final EIS. Do not make any allocations for lands to be either open or closed to, or seasonally restricted for, the collection of SFP in the RMP. Do not outline standards and guidelines for the collection of SFP in the RMP.
3. In the Draft RMP/EIS, do not address SFP in any further detail than already exists. **Expand** discussion and increase the current level of analysis in the Final EIS. **Make allocations** for lands to be either open or closed to, or seasonally restricted for, the collection of SFP. Allocations could be site or product-specific. Do not outline standards and guidelines for the collection of SFP in the RMP.
4. In the Draft RMP/EIS, do not address SFP in any further detail than already exists. **Expand** discussion and increase the current level of analysis in the Final EIS. **Make allocations** for lands to be either open or closed to, or seasonally restricted for, the collection of SFP. Allocations could be site or product-specific. **Outline standards and guidelines** for the collection of SFP in the Final RMP.

Eastern Oregon and Washington

1. **Amend** existing Final RMP/EISs to expand discussion of SFP; make allocations for lands to be open or closed to, or seasonally restricted for, the collection of SFP; and outline standards and guidelines for the collection of SFP. If a Draft RMP/EIS has been written, but not a Final, include SFP in the Final in a manner similar to what would be included in the western Oregon Final RMP/EISs. If a district's RMP/EIS is to be written in the next few years, conduct NEPA analysis as recommended by the SFP Issue Analysis Team (Major Issue: NEPA Process; subissue: Clarification of the NEPA Process) until the RMP/EIS is completed.
2. **Retain** existing Final RMP/EISs. If a Draft RMP/EIS has been written, but not a Final, include SFP in the Final in a manner similar to what would be included in the western Oregon Final RMP/EISs. If a district's RMP/EIS is to be written in the next few years, conduct NEPA analysis as recommended by the SFP Issue Analysis Team (Major Issue: NEPA Process; subissue: Clarification of the NEPA Process) until the RMP/EIS is completed.

Analysis of Options

Western Oregon

None of these options allow for changing how SFP are addressed in the Draft RMP/EIS. The issue team felt that there was not enough time to develop an expanded discussion of these resources in the Draft. One major drawback of not having SFP adequately discussed in the Draft is that the opportunity for broad public review and comment on this issue will not be available before the Final is written.

Option 1. Allows the most flexibility for Districts to tailor NEPA analysis of their SFP program to meet District and site-specific needs. Analysis would predominantly be site specific. The type and intensity of effects analysis would continue to vary between Districts. Effects analysis would follow recommendations made by the SFP Issue Analysis Team (Major Issue: NEPA Process; subissue: Clarification of the NEPA Process). Cumulative effects analysis could not be tiered to an EIS. Public involvement would not be as broad in scope as it would be with a RMP/EIS. Land allocations for SFP would not be made in the RMP. Restrictions on the collection of SFP (such as in Special Management Areas) would not be made in the Final RMP. Does not encourage coordination and standardization of guidelines between Districts. Encourages development of product-specific activity plans and the development of guidelines that fit District/Resource Area needs.

Option 2. Inclusion of an expanded discussion of SFP in the Final RMP/EIS would allow for an analysis of effects to be included in an EIS. Effects on such resources as vegetation, Native American religious concerns (i.e., traditional plant gathering areas), Special Areas, and wildlife could be addressed. Cumulative effects could be tiered to an EIS; the lack of sufficient analysis in an EIS to tier impacts to, is often an issue in protests of BLM activities. This option is identical to Option 1 in all other respects.

Option 3. Allocations for lands to be open or closed to, or seasonally restricted for, the collection of SFP would be included in the Final RMP/EIS. General areas that would be closed or seasonally restricted to collection, such as certain types of Special Areas or areas of special management concern, would be identified for the District. Broad restrictions would also be identified, with an emphasis on consistency between Districts. Specific areas for closures and other special restrictions would be covered in an activity plan for that particular SFP. This option is identical to Option 2 in all other respects.

Option 4. Development of standards and guidelines may be too specific to be included in the Final RMP/EIS. However, the Salem District has recently developed District guidelines for collection of SFP that could meet many of the other western Oregon Districts' needs. These guidelines were developed by a District workgroup and underwent extensive review. The decision to adopt these guidelines (or a modified version thereof) could be included in a District's Record of Decision, with the guidelines included as an appendix to the Final RMP/EIS. Furthermore, other resources, such as wildlife and water, outline specific design features for certain management actions, such as timber harvest, in the Draft RMP/EIS. This option is identical to Option 3 in all other respects.

Eastern Oregon/Washington

1. Amendment of existing Final RMP/EISs is not warranted. The demand for SFP is low, and these resources are less diverse than those in western Oregon. When the opportunity is available, however, analysis of the SFP program should be included in a RMP/EIS.

NEPA Process

There is concern that with the increased salvage of diseased and dying forests in eastern Oregon, the demand for firewood could be shifted to areas previously unused for that resource.

2. Same as Option 1, except that amendment of Final RMP/EISs is not proposed. The level of demand for and concern about these resources does not appear to approach the level of significance that generally requires analysis in an EIS. However, by including an appropriate amount of analysis in any future EIS, public input and involvement could occur and analysis at the activity plan level could be tiered to this EIS.

Recommendations (What, Where, When, and/or How)

Western Oregon

Implement Option 3, with the option for Districts to include specific guidelines and standards in the Final EIS/RMP. The discussion of SFP would be expanded from what currently exists in the Draft RMP/EISs. Effects would be addressed in the Final in such a manner as to make it possible to tier to it when analyzing cumulative effects in an EA for SFP. Allocations for, areas closed to, and restrictions on SFP collection would be made in general terms for the District. The SFP program would be examined for consistency with newly proposed Special Areas and other areas of special management concern. Site specific interdisciplinary reviews of specific resource issues related to a particular SFP would occur as recommended by the SFP Issue Analysis Team (Major Issue: NEPA Process; subissue: Clarification of the NEPA Process).

Eastern Oregon/Washington

Implement Option 2.

Rationale

Western Oregon

The EIS process assumes that some impacts are significant, and thus is primarily concerned with resolving issues, mitigating impacts, selecting a preferred alternative, and public disclosure. Individual actions that are in conformance with an RMP/EIS may not require further planning documents. However, any action must be supported by a NEPA document, unless categorically excluded or fully covered by an existing NEPA document (an EIS or an EA). Therefore, if collection of a particular SFP would result in potentially significant impacts, it should receive appropriate documentation in the Final. Option 3 would expand and improve the current level of discussion and impact analysis of SFP issues from that in the Draft. Making allocations and identifying closures and restrictions for SFP in general terms in the Final would encourage discussion between Districts as to the consistency of SFP collection with other resource management objectives. Districts should be given the option of whether to outline standards and guidelines for the collection of SFP in the Final because of time constraints and the potential need for clarification and resolution of other issues and the subissues being examined by other issue teams. Standards and guidelines could be developed after the RMP process is completed.

Eastern Oregon/Washington

At this time the issues associated with SFP in eastern Oregon and Washington are not of enough significance to warrant amendment of existing Final RMP/EISs. The rationale for inclusion of SFP in an EIS and expanding discussion of SFP in EISs is outlined above. NEPA analysis performed as recommended by the SFP Issue Analysis Team (Major Issue: NEPA Process; subissue: Clarification of the NEPA Process) should be adequate until a RMP/EIS process is begun.

Implementation Procedure

Western Oregon

Assign a prototype lead/team to write prototypes for Chapters 2, 3 and 4 for the Final RMP/EIS. Due to time constraints for the Final RMP/EIS, prototypes should be developed and reviewed by the Districts as soon as feasible. The prototype should:

- List existing and potential SFP products (the Analysis of the Management Situation, or AMS, for each District should contain a SFP table in the Timber Section);
- Build in flexibility for products that may become important during the life of the plan and are unknown at this time;
- Identify areas closed to SFP collection;
- Make appropriate land allocations for collection of special forest products;
- Identify existing and potential SFP which require preparation of a product-specific management plan;
- Analyze impacts of SFP collection on other resource values, including (as appropriate): Native American cultural values/traditional plant gathering areas, vegetation, socioeconomics, recreation (SFP collection for personal use), wildlife, and timber resources. Develop cumulative impact analysis for specific SFP that have the highest risk of impacts or are of greatest public concern;
- Consider the NEPA analysis process proposed by the SFP Issue Analysis Team (Major Issue: NEPA Process; subissue: Clarification of the NEPA Process) and how that process would relate to the Final EIS;
- Optional standards and guidelines for the collection of SFP in each District could be developed.

Eastern Oregon/Washington

Prototypes for SFP in the Final EIS would be made available to eastern Oregon and Washington Districts for comment. SFP incorporation into an EIS would occur at the appropriate stage in each District's planning process. NEPA analysis at the EA level may need to be intensified until an EIS is available to tier to for cumulative impacts analysis.

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ISSUE ANALYSIS
Special Forest Products Management

Major Issue: TIMBER SALE INFORMATION (TSIS)/RECORD KEEPING

Subissue: The TSIS does not work for special forest products tracing.

1. Changes cannot be readily made to the system.

In January 1992, an edit utility was added to the small sales sub-sub-system within TSIS. Changes can now be made to the systems for: product code, quantity, price, timber class, purchaser name and address, location, sale date, expiration date, county, land status, and road maintenance fee. More edit choices could be added to the system if needed.

2. Board foot conversions are incorrect.

There are 19 forest products converted to net board feet on the system. All conversions have been established by BLM's "Vegetal Disposal Reports User Guide." If the conversions are incorrect, then they can be easily changed. A conversion factor can be changed by submitting a written request to Tom State (931.5) at the Oregon State Office. The brief should show the current error and provide a new factor. After it is reviewed and accepted, then the new conversion will be loaded onto the system.

3. The listing of minor forest products is incomplete.

There are 47 vegetative and 23 mineral products listed on the product code menu of the small sales database. The system will currently hold 99 different products on the menu. John Engels is working to separate the vegetative and mineral products into two different menus. This would provide for 99 vegetative options for this BLM-wide system.

New product codes have already been added to the system in response to user requests. Additional product code requests should also be submitted in writing to Tom State (931.5) for inclusion in the system.

There are 12 different canned reports for law enforcement, accounting, general use, and trespass tracking in the small sales database. More reports could be added or deleted if there are specific needs identified. Keyboard queries can be used to retrieve information from the system for impromptu needs.

Subissue: There is a need to network special forest products permit information between Districts and agencies.

TSIS already provides the information base for networking special forest products information within BLM. An updated users manual for TSIS is set for release in fall, 1992. The current system is planned for BLM-wide use through FY 1994 or 1995. At that time, the mainframe Honeywell computer will be replaced. Design efforts are already underway to carry the activities of the present system into the future.

Timber Sale Information (TSIS)/Record Keeping

A number of options will be considered to replace the **functions** of the current system. This includes new hardware and software packages. One option, a wide area network (WAN), could be adopted to utilize much of the existing hardware and provide links to the local area networks that are projected for all Districts. A WAN could provide the same functions as TSIS with a slightly different configuration. It would likely be no more user friendly to the casual user than TSIS because of system security requirements.

There is no system for networking with the USFS or the State of Oregon. The BLM's network could probably be linked to any system that is adopted by another agency, provided there is a willingness to share information. The USFS has yet to embrace a database system within Region 6, so there is no available link.

Subissue: The BLM needs to keep a list of repeat violators and coordinate tracking of trespassers between agencies.

Within the small sales database of TSIS, there is a canned report called **JUSTOOKIT** that tracks all the closed trespass cases for the current year. The archive of this report goes back to 1984. A list of violators could be easily generated back to 1984. The system does not account for active cases.

Jim Bob Weir, State Office Trespass Coordinator, and John Engels, TSIS Coordinator, have been working to develop a dBase IV program to track active trespass cases. This program would not be interactive between Districts. It could be consolidated at the State Office or within TSIS on a periodic basis for various users.

There is no system for tracking trespassers across agency boundaries.

Subissue: What different systems are available? What are their strengths and weaknesses?

Paul Dzailowy, BLM Roseburg District, recently developed the Automated Small Sales Contract Program. It was introduced in February 1992. This system captures necessary data for upload into the TSIS and prints the contract sale Form 5450-5 for special forest product sales less than \$2500. The system uses existing dBase IV software on the IBM compatible PCs that are present on all BLM Districts. The BLM standard for database programs is the dBase IV software.

The primary system users are the District receptionists and timber sale clerks. There are some minor problems with the system (e.g., not all cities are on the menu, no place for vehicle license nos., no contract stip menu, etc.). It sounds like all the bugs will be corrected within a few months.

The dBase IV data for small sales is up-loaded directly each month onto the TSIS. From there, it can be captured by TSIS users and a number of standard reports generated.

The Hebo Ranger District, USFS, has developed a permit system similar to BLM's Auto Contract Program using an Oracle database. The system has the ability to compile information from around Region 6 using the network capabilities of Oracle. However, it has yet to be adopted by the Region as their standard.

Until the Forest Service adopts a regional standard, there little point in pursuing a linked permit system. When the TSIS hardware becomes obsolete within a few years, then that would be the time to pursue a network system with the USFS.

Recommendations (What, Where, When, and/or How)
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1. All western Oregon Districts must utilize the dBase IV Automated Small Sales Contract Program for permits issued at the District offices.
2. All small sales permits must be loaded onto the TSIS at the close of business each day. The State Office TSIS Coordinator, John Engels, will verify that small sales permits from the previous day's business have been loaded onto the system and are available to users at the start of each business day.
3. The BLM computer modernization program should develop a link between the BLM's TSIS program and the USFS's Oracle small sales program.
4. The State Office Special Forest Products Handbook should contain references on how to update TSIS inputs and a listing of available programs.
5. The active trespass program being developed for dBase IV needs to be completed and on-line soon.

Rationale

These recommendations would resolve most of the concerns raised for users of the current system and would provide a framework for a small sales permit linkage system with the USFS.

Additional concerns:

1. The Eugene District timber sale clerks believe that TSIS does not provide enough information on road maintenance fees. They are hoping that the road maintenance group will recommend some changes to TSIS for tracking these fees.
2. Some people have asked why TSIS is not more interactive and available to more users. This is largely a security measure. Each District has a separate ASCII file for editing and updating information. The updates are loaded onto the Aspen file by John Engels, State Office, on a daily basis. This is the main database for the BLM, and management has decided to restrict access to this resource. The Aspen file has open access for viewing and very limited access for data changes.

ISSUE ANALYSIS
Special Forest Products Management

INVENTORY AND MONITORING TEAM
AUGUST 1992

Introduction

Special forest products are those forest and rangeland vegetative products being removed from the public lands that are not measured in either board feet or animal unit months. Because of the way these products are harvested, processed, and utilized, both commercially and for personal use, their economic and social values are very much underestimated. It is only when something like taxol is discovered in the bark of Pacific yew trees that a particular species is suddenly brought to the attention of both the public and resource managers. What tends to go unnoticed are the values of products like floral greens, which is thought to be a \$128 million industry in the Pacific Northwest. The true economic values of the mushroom, moss, or bear grass industries are not known at all, but are surely in the tens of millions of dollars.

Analysis of the present situation indicates that very little is known about the locations and sizes of populations, sustainable harvesting levels and techniques, markets, values, and end uses of these products by the people responsible for assuring proper management. It seems that the only people who really know what is happening may be the ones collecting and using the various products. In many cases, these people only know about the products they harvest, sell, and use. Also, they tend to have their own secretive collecting places and often operate in very localized territories.

In order for the resource managers to develop effective management prescriptions for special forest products on public lands, they must have the following information:

First, which products are being harvested and in what quantities.

Second, where the products are growing and what the present population levels are.

Third, understand the ecology of each species being harvested so populations are not harvested beyond their threshold levels.

Fourth, understand the relationships between the species being harvested and other dependant species, and vice versa.

Fifth, relative economic values of the various species being harvested.

Sixth, understand the various options available to them for controlling use, both commercial and incidental, through different types of permit systems, land closures, harvest limits, seasonal restrictions, etc.

The team working on the Inventory and Monitoring Issue focused on three subissues, Inventory for Special Forest Products, Research Needs Related to Special Forest Products, and Monitoring Special Forest Products. While other subissues such as permitting policies and methods were considered, it was felt that developing and implementing effective programs in these three subissues focused the best ways to get resource managers the information needed to assure

sustainable management of special forest products. Each subissue is explained in detail on the following pages.

ISSUE ANALYSIS
Special Forest Products Management

Major Issue: INVENTORY AND MONITORING OF SPECIAL FOREST PRODUCTS

Subissue: Inventory for Special Forest Products

Background or Present Situation/Practices
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The harvesting of a diverse range of special forest products from public lands is increasing. Most of the harvesting and marketing of these products is currently occurring on westside BLM Districts, but the Range Districts are receiving limited demands for special products as well. A wide range of individuals, including commercial harvesters, personal use collectors, and Native Americans, are currently seeking range and forest products. Increase in the desire to utilize special forest products is evidenced by such recent activities as conferences, research, special interest groups, buyers, harvesters, etc., focused on these products. Estimates on the economic values of various products being marketed more than substantiate the interest and need to more effectively manage these important resources. Resource specialists, commercial and personal use harvesters, buyers, researchers, local interest groups, and Native Americans have all expressed the need for a commitment to managing special forest products for long-term sustainability.

Presently, there have been no known inventories conducted which provide the necessary baseline information on distribution or abundance of any special forest product except Pacific yew, *Taxus brevifolia*. Inventory, monitoring, and research information are primary elements in making evaluations on how best to manage resources for sustainability. BLM Manual 1734, Inventory and Monitoring Coordination, directs BLM to implement resource inventories commensurate with the significance of resource values and issues. In the case of special forest products, the true economic values are not yet known, but are suspected to be in the hundreds of millions of dollars.

The National Forests are also currently lacking much inventory information on special forest products. Several Forests have conducted market surveys, which identify products of current or future importance. Some Forests are also currently modifying existing inventory methods to include collecting data on special forest products.

List of Options

1. Continuation of current product-specific inventory strategy.
2. Modification of existing inventory methods to include collection of data on special forest products.

3. Collection of baseline information on product distribution, coupled with the modification of existing inventory methods, would result in information that would address the abundance of identified products in various seral stages.

Analysis of Options

1. Continuation of Current Product-Specific Inventory Strategy.

The current strategy is to inventory for specific products on an individual basis, i.e., Pacific yew. This strategy provides no information on the distribution and abundance of other special forest products and does not make BLM Districts aware of other products under their management for which there may be an increasing demand. It does not provide baseline data from which resource specialists can determine harvest limits that are critical in assessing long-term product sustainability. The current levels of inventory do not provide the data on the distribution and abundance of special forest products that is critical in evaluating which products could support potential commercial markets.

2. Modification of Existing Inventory Methods to Include Collection of Data on Special Forest Products.

Coordination and modification to existing inventory methods for special forest products data could be implemented for several products. Products to be included in surveys could first be identified in a preliminary market inventory. Inventory methods already employed by the BLM could be modified to collect data over time on the abundance of some special forest product species. Such attributes as plot size, plot replication, and special forest products information could be included in other inventory efforts to provide a statistically reliable data collection method, which in turn would provide quantitative information on various products. Various methods that might be modified include: Forest Inventory Data and Reforestation Surveys (Regeneration Surveys, Vegetation Control Surveys, and Stand Exams). Data would be tied to a common database.

3. Develop a Special Forest Products Inventory Designed to Determine Distribution and Abundance of Special Forest Products.

Conduct a preliminary market survey that would identify special forest products of current or potential market importance. Conduct baseline inventories to determine the potential distribution of those special forest products identified in a market survey. Baseline information on distribution could be determined by using broad-level plant classification schemes such as Plant Associations, currently used by the Forest Service, or ecological site classifications, currently used on BLM Range Districts. Baseline Plant Association information would then be coupled with a method of ongoing data collection, such as past permits' site locations, Forest Inventory Data and Reforestation Surveys, Regeneration Surveys, Vegetation Control Surveys, and Stand Exams, to provide information about special forest products. Modifications of currently used inventory methods would be developed through an interdisciplinary team of ecologists, statisticians, and individuals responsible for various forest inventory programs. Other agencies developing inventory programs would be contacted for additional input. Training programs for District personnel would be implemented in data collection and analysis techniques and in data storage. Data would be tied to a common database. Information on product distribution could be mapped on GIS, and plot information could be stored

in an attached attribute file. Current trends of special forest products could then be tracked in specific areas.

Recommendations (What, Where, When, and/or How)

Recommendations are to implement Option 3.

Rationale

A preliminary market survey would identify products that have present and future commercial value and interest. Information such as Plant Associations would provide baseline information from which to determine the distribution of these various products. Plant Association information has multiple applications for a variety of programs including silviculture, soils, riparian, and wildlife, etc. This data coupled with more intensive sampling from an already existing and ongoing inventory method (modified for data collection on special forest products), such as forest inventory and reforestation surveys, will provide data on how much of a certain product is available, how these various species are responding to management activities, and how species' compositions change through various seral stages. This information, as well as the appropriate monitoring and research projects, would provide BLM with the information necessary for maintaining product sustainability, responding to present and future demands for various products, and assuring that overutilization of any special forest products resource does not occur. This information would also be essential in determining where viable special forest products markets could be encouraged and maintained.

Implementation Procedure

1. Conduct a market survey to determine which special forest products have present or future economic importance and should be included in a special forest products inventory.
2. Adopt and implement a broad level plant classification system such as "plant associations" that would include forb, brush, and tree species, which would be used to predict overall distribution of various special forest products. Determine which special forest products occur in each plant association, and implement a mapping system to track where species of interest are likely to occur.
3. Research and evaluate existing forest inventory methods currently being used in the silviculture program, and determine applicability to the special forest products inventory program. Modify existing data collection procedures to include special forest products where possible, and implement this program in conjunction with other BLM inventory projects.
4. Evaluate currently used data analysis, storage, and mapping capabilities; and select or develop methods that are appropriate for the analysis, storage, and mapping of special forest products.

Inventory and Monitoring of Special Forest Products

5. Train and educate personnel to special forest products inventory needs and importance, i.e., data collection methodologies, value of various products, and the value of managing these products for sustainability.
6. Provide workmonth dollars for training temporaries or for retraining existing personnel, i.e., plant identification, inventory method(s), data collection, data analysis.
7. Initiate interagency coordination to ensure consistency and sharing of information.
8. Implement a special forest products inventory program upon review and approval of this document.

ISSUE ANALYSIS
Special Forest Products Management

Major Issue: **INVENTORY AND MONITORING OF SPECIAL FOREST PRODUCTS**

Subissue: **Monitoring Specialized Forest Products**

Background or Present Situation/Practices

Special forest products, traditionally called minor forest products, have traditionally not been an emphasized part of the BLM's forestry program. There is usually little analysis of the cumulative and residual effects from issuing permits to harvest special forest products. As a result, the normal scenario goes something like this:

An individual comes into the BLM office and requests a permit to gather a certain type of special forest product. In limited cases an environmental assessment is prepared to assess the impacts of the proposed action. However, in most cases, a categorical exclusion is prepared, and the permit is issued.

After the permit is issued, there is often very little or no follow-up to see that the terms and conditions of the permits are followed. There is also very little or no follow-up to see what the cumulative or residual impacts of the action were on the individual population of the species or on the whole environment.

The current permit tracking system shows the number of permits that have issued for various types of special forest products. But in nearly all cases, there is no assessment of the cumulative environmental impacts, either primary or secondary, resulting from removal of those products from the ecosystem. Also, there is no monitoring program in place to help identify when thresholds of the harvested species are being reached. In the case of free use where no permits are required, there is no way of knowing the amount or type of use that is occurring from the harvesting of special forest products.

Currently, because of poor quality inventories or lack thereof, impact assessments of harvesting activities, or monitoring activities covering special forest products, the BLM has no way of really knowing how much, either volume or value, of these products are being illegally removed from the public lands.

List of Options

1. Continue with the current level of monitoring.
2. Develop and implement a program to assure compliance with the permit stipulations and to provide for biological monitoring of the product being harvested.

3. Develop a comprehensive monitoring program for special forest products that includes:
 - Compliance with the permit stipulations.
 - Biological monitoring of the product being harvested based upon resource management objectives.
 - Biological monitoring of the secondary impacts of harvesting special forest products.
 - Monitoring of the cumulative impacts of the harvesting of special forest products.

Analysis of Options

1. Continue With the Current Level of Monitoring:

The current level of monitoring is really only sporadic compliance checking of some permits issued to harvest special forest products. This compliance checking is to assure that the stipulations of the contract are being adhered to. This type of monitoring provides virtually no information about the resources that are being harvesting or about the overall cumulative and residual impacts of the harvesting activities on the ecosystem. In reality, the current levels of monitoring do not even provide real data on how the products are being harvested, how much the product is worth in the marketplace, how much of the product is actually being harvested, or how the current harvesting levels of the product will effect future options.

2. Implement a Program of Compliance Inspections and Biological Monitoring of the Product Being Harvested:

The development of this type of monitoring program will provide additional data to help in making future decisions about special forest products. A planned compliance program will provide data on the amount of the products that are actually harvested, the level of impact from the harvesting practices, and the effectiveness of stipulations in reducing the impact of harvesting the special forest product. If some type of biological monitoring program for the product being harvested is also implemented, data can be collected to help understand the impact various harvesting methods, times, amounts, etc., have on the overall population of the product being harvested.

3. Develop and Implement a Comprehensive Monitoring Program for Special Forest Products Based Upon Long-Term Resource Management Objectives:

The development and implementation of a monitoring program for special forest products based on long-term resource management objectives will provide for a compliance program that will assure that the resource protection and environmental enhancement stipulations are adhered to and adjusted as necessary to meet changing conditions. A monitoring program driven by objectives can help assure the sustainability of the resources being harvested, and can provide protection against secondary impacts to other sensitive or dependent resources. Well-planned, objective driven monitoring can be used to help determine ecological thresholds for the products being harvested and evaluate the cumulative and residual impacts of those activities.

Recommendations (What, Where, When, and/or How)

It is recommended that the BLM in Oregon and Washington adopt the third option: develop and implement a comprehensive monitoring program for special forest products based upon long-term sustainable resource management objectives.

Rationale

The management of natural resources is entering a new era. No longer can BLM manage lands on a single species basis. Science is now showing that there are ties and links between species in the landscape that are not yet well understood. Therefore, management must be conservative with the assumption that management practices are going to change tomorrow based upon the data collected today.

To meet BLM's mandate to manage the public lands for sustainability while allowing for the harvest of products, some type of monitoring program must be implemented that will show if the results of management actions are moving toward or away from the overall management objectives. A comprehensive monitoring program needs to be developed that considers the total ecosystem and the relationships between its various parts.

Implementation Procedure

1. Recognize the presence and importance of special forest products to society and to the ecosystem. (The formation of this task force was a major step in this process.)
2. Establish general resource management based objectives for the total landscape (ecosystem) through the land use planning process. This process must provide managers with long-term direction (200 to 400 years in a forest ecosystem). These objectives must be based upon the capability of the ecosystem to support the demands of our society over the long run.
3. When the demand for a specific product becomes more than small incidental collections for home use, prepare a product specific management plan that contains detailed and specific objectives for the management and sustainability of the species being harvested.
4. Develop a monitoring plan based upon measuring progress toward the resource management objectives contained in the land use plan, the product specific activity plan, and any NEPA requirements. The monitoring activities should be designed to measure changes in the elements determined to be indicators of progress toward or away from the stated management objectives. The level and intensity of the monitoring should reflect use, interest, and the biological sensitivity of the product being harvested.
5. Implement research projects to identify and understand the links between the various components of the ecosystem. Understanding these links is necessary if meaningful thresholds for the maintenance of ecosystem integrity can be established and protected, while still allowing for the harvest of natural resource products. Where necessary,

Inventory and Monitoring of Special Forest Products

implement research on individual species to understand the limits of that species. There may be ongoing research projects that may benefit the SFP program.

6. Some products that have been categorically excluded may need to be monitored to reassess the cumulative impact of harvesting in light of today's concerns. For example, allowing the removal of small segments of a population over time, particularly when the removal rate may exceed the replacement rate, can be detrimental to the species. There is also a need to assess the impact of a decision to harvest a species in one area until it is gone, while giving another colony or stand total protection. The decision to sacrifice one segment of the population for another in the same species is a decision to limit the genetic variability within that species and could very well lead to its eventual destruction. Biological evaluations must consider the impact of the decision on other species (secondary impacts).
7. BLM personnel should conduct compliance checks when harvesting is occurring. For example: If the harvesting is being done on the weekends, then inspectors must be working the collection areas on the weekends.
8. Develop and implement a data management system to manage, retrieve, and manipulate the data collected during the monitoring activities.
9. Plan for the analysis and evaluation of the data that has been collected from the various monitoring activities.
10. Develop and implement a process that assures the findings from the analysis and evaluation of the data get fed back into the system to determine if management objectives are or are not being met. If management objectives are not being met, harvesting activities must immediately stop, and replanning to overcome the problem must begin.

ISSUE ANALYSIS
Special Forest Products Management

Major Issue: **INVENTORY AND MONITORING OF SPECIAL FOREST PRODUCTS**

Subissue: **Research Needs Related to Special Forest Products**

Background or Present Situation/Practices
--

Impact assessment information needs go well beyond the normal scope of current BLM monitoring efforts, requiring systematic, long-term studies that may need to be coordinated across multiple Districts and agencies. These needs include subjects such as the impact of harvesting on vegetation life cycles and regrowth rates (sustainability), community succession, and potentially sensitive fauna or associated plant species.

BLM's ability to contribute to local or regional economic stability will depend on information about special forest products and commercial market opportunities. We need to know what products are being used, where the sources are, what quantities are being used, and what the potentials are for market expansion.

Baseline biological information must be gathered on commercially valuable special forest products. We must define habitat and life cycle requirements for these species in order to determine how long-term management plans will affect supplies. We also need to know whether silvicultural or other management techniques can be used to encourage special product production while meeting other resource objectives.

Some monitoring and species specific research is ongoing but is currently too limited to meet BLM information needs. Presently, efforts to collect information on special forest products are not coordinated, and there may be material that is locally published or available but unknown beyond a limited circle of persons.

Some private and State sources are compiling market information on commercial special forest products and their uses. However, this information is often neither geared toward BLM management information needs nor readily available to District resource specialists.

Baseline biological information is incomplete or lacking on most species used for special forest products.

List of Options

1. Limit sales program to avoid need for research on impacts.
2. Coordinated interagency monitoring and research, focused on special forest product species/habitats.

3. Systematic research program focusing on special forest products utilizing personnel at BLM research facilities.

Analysis of Options

1. Limited Special Forest Products Sales Programs.

If special forest product sales programs remain small and have minimal impact on the environment or species, BLM may be able to avoid the costs of coordinated research by relying on local monitoring efforts to meet basic NEPA requirements. Some Districts are considering limiting sales in both size and scope to ensure that NEPA Categorical Exclusion criteria can be met. More intensive inventory and monitoring efforts will be needed in situations when Categorical Exclusion criteria cannot be met. Whenever sensitive species might occur in habitats shared with commercially valuable species, additional funding may be necessary to complete detailed inventories for those areas. Available market survey information may be gathered from private, State, or other Federal agency sources.

This is the least costly option to facilitate the special forest products sales program. It can be implemented with a minimum of new personnel and a minimum of diversion of the current personnel resources. Disadvantages include the need for overly conservative limits on some product sales, the risks of causing significant resource damage prior to identification of problems if volumes are not limited, the potential for increased theft of special forest products, and the potential for public protest if BLM operates sales programs with inadequate data to assess impacts.

2. Coordinated, Interagency Monitoring, and Research Focused on a Variety of Species/Habitats.

Research costs for impact analysis or baseline biological information may be limited and focused on those species of plants and/or fauna most likely to be affected, as indicated by sales volumes of particular products or locations of collection activity. Coordinated monitoring and research design, and data sharing between Districts, research units, and other agencies would require personnel time, but would save duplication costs. When other sources of information do not exist, BLM could sponsor market surveys and product suitability analyses for those products that are found to be most abundant on public lands, or of high value. BLM could enter into cooperative agreements with State economic development agencies to fund research and the development of new product markets.

This option has a wide range of possible costs, depending on the number of research projects initiated and the means of accomplishment. Some additional personnel may be required to conduct the research, and some diversion of personnel into special research projects might occur. The main disadvantages of this approach are the additional costs and the potential for increasing workload conflicts.

3. Systematic Research Program Utilizing Personnel at Bureau Research Facilities.

BLM could engage in a systematic program of research to gather basic biological information and impact analysis data on all habitats and/or species potentially impacted by the special forest products sales program. Coordinated interagency monitoring efforts

could be incorporated into this program, but emphasis would be on utilizing personnel at BLM research facilities.

A wide range of costs are possible with this option.

Recommendations (What, Where, When, and/or How)

Recommendations are to implement Option B: coordinated, interagency monitoring and research on a variety of species/habitats.

Rationale

Option B will provide information through an interagency approach on product sustainability, market potential, and various other associated or secondary impacts of special forest product harvest. This option would more effectively utilize personnel resources, improve BLM monitoring study techniques, and enhance the applicability of research data over wider geographic areas. This option would provide for a multi-District and agency information network on research needs and projects. Development of a research cooperative between various agencies, involving lead Districts and Forests, etc., could provide a more efficient mechanism for broadening the present database on the impacts of harvesting special forest products.

Implementation Procedure

1. Lead Districts should be identified to implement coordinated monitoring plans or research projects that cross multiple District or agency boundaries. Districts would authorize local individual research or intensive monitoring projects.
2. At the BLM Research Center level, provide technical support to BLM personnel pursuing special monitoring and research projects.
3. At the District level, provide support for employees engaging in special research projects. Make a commitment to assign employees to special projects to collect field data for BLM researchers and coordinated multi-District, interagency projects.
4. At District level, identify those species or habitat types with significant potential impacts from existing special forest products sales programs. Prioritize the list on resource value/status and the significance of threat. Identify any specialists who have the interest and expertise to conduct and/or coordinate/lead research studies for a given subject.
5. At the State level or through the BLM Research Center, review District species/habitat priority lists for opportunities to coordinate monitoring research across the geographic range of species; and coordinate with other agencies. Develop an information feedback cycle with District/Area specialists to define prioritized research needs.
6. Once the proper questions are defined, individual specialists would develop coordinated monitoring plans or formal research proposals with assistance from the State Office,

Inventory and Monitoring of Special Forest Products

BLM Research Center technical staff (i.e., biometrician, forest ecologists, etc.), and The Western Oregon Special Forest Products Council - Research Subcommittee.

7. Investigate opportunities for structuring uniform field data gathering methodologies, so that local field personnel may gather data for the lead researcher. This will enhance efficiency in study replication and statistical reliability, and will widen the applicability of study results.

ISSUE ANALYSIS
Special Forest Products Management

Major Issue: QUALIFICATIONS

Subissue: Qualifications for Public Contact Representative

Background or Present Situation/Practices
--

A collateral duty along with many other jobs, the amount of time spent on special forest products varies from District to District. Public contact representatives usually write permits for items such as designated firewood cutting areas, Christmas tree cutting areas, and greenery, but not products sold in board feet.

They are often the initial public contact concerning special forest products, through telephone calls and in-office visits. The public usually expects them to know a wide variety of information about the BLM. Dealing with this segment of the public can often be quite stressful.

Representatives must be knowledgeable about the BLM special forest product policies and permit system and the availability of the different products (e.g., firewood).

They are designated as a Collection Officer to issue permits and receive money.

Recommendations (What, Where, When, and/or How)
--

Insure they know the proper use of the Vegetative Sales Contract (5450-5) and the Free Use Permit (5450-1).

When designated as a Collection Officer, need an understanding of the procedures and responsibilities involved.

Special forest product sales people and law enforcement people need to work closely with the public contact representatives, keeping them informed of BLM special forest products policies, environmental issues, and law enforcement concerns.

Give them the opportunity to go out in the field to look at the products that are being harvested (especially firewood and Christmas tree cutting areas), so they are better informed and able to respond to public inquiries.

Make available to them training in areas such as stress management, time management, and working with the public.

Give them more recognition for the importance of the job they do.

ISSUE ANALYSIS
Special Forest Products Management

Major Issue: QUALIFICATIONS

Subissue: Qualifications for Timber Sale Clerks/Resource Assistants

Background or Present Situation/Practices
--

Most experienced clerks are familiar with accounting procedures and data processing for regular timber sales in the Timber Sale Information System (TSIS). Special forest products are just an additional part of the TSIS program.

Recommendations (What, Where, When, and/or How)
--

Maintain proficiency in the use of the TSIS system. A change in the system which allows the operator to make corrections to entered data has eliminated a previous problem.

A computer program used by some Districts produces the permit and also compiles the permit information to be later added to the TSIS system. This seems to be reducing the time spent writing permits and has increased the accuracy of the information going into the system.

ISSUE ANALYSIS
Special Forest Products Management

Major Issue: QUALIFICATIONS

Subissue: Qualifications for Law Enforcement Officers

Background or Present Situation/Practices

Some rangers have background knowledge in forestry but most are not familiar with the special forest products program, Northwest tree species, saleable items, and BLM timber sale procedures.

The amount of time spent on special forest products varies from 20 to 90 percent, depending on the District.

List of Options

Provide training to new rangers so that they become familiar with the special forest products program.

Recommendations (What, Where, When, and/or How)

Spend some time with timber sale contract administrators and special forest products sales people.

Provide training to rangers to include:

- Identification of Northwest tree species and forest products.
- Ability to estimate the volume of forest products being cut or transported.
- Familiarity with the seasons when various products are available for harvest.
- Knowledge of BLM timber sale marking systems--flagging, posters, tree painting/marking systems.
- Understanding differences in the BLM sale contracts and permits.

UNITED STATES
DEPARTMENT OF JUSTICE

WASHINGTON, D.C.

February 1, 1954

Mr. J. Edgar Hoover
Federal Bureau of Investigation
Washington, D.C.

Dear Mr. Hoover:

I am writing to you regarding the matter of the

investigation of the activities of the

Communist Party, U.S.A.

I am enclosing for you a copy of the

report of the investigation.

I am, very respectfully,

Sincerely yours,

W. J. Donovan

Special Agent in Charge

United States Department of Justice

Washington, D.C.

Enclosure

ISSUE ANALYSIS
Special Forest Products Management

Major Issue: QUALIFICATIONS

Subissue: Qualifications for Special Forest Products Sales People

Background or Present Situation/Practices
--

This position is usually filled by a forester or forestry technician who is either transferred into the job from another position or given it as a collateral duty. Westside Districts either have full-time sales people or use timber sale contract administrators on a when-available basis. On westside Districts where there is not a full-time special forest products person, the workload is usually there but management direction or funding is the limiting factor. Eastside Districts designate persons on their forestry staff to do the job as a collateral duty, with the workload generally not requiring a full-time position.

The special forest products person is responsible for the sale of a wide variety of forest products. The person may or may not have sale layout, cruising, or contract administration experience. Before a sale can be made, property ownership must be verified, the nearness to existing and future timber sales checked, and the impact of the sale on the environment examined. An accurate determination of the volume and value of the item being sold provides BLM with a fair value for its products.

Personal use firewood areas are established by the special forest products person, and then most permits are issued by public contact specialists at the office.

Follow-up inspections of most sales are required to insure compliance with the contract.

Full-time special forest products persons are usually designated as Collection Officers for the purpose of collecting permit money.

The person may be in the position for a limited time before moving to another position.

Recommendations (What, Where, When, and/or How)
--

The person in this position will be in the public eye as a representative of BLM. The person needs a good background in a wide variety of forestry-related subjects and must be able to deal with the public.

The person must be knowledgeable:

- In environmental issues--wildlife, riparian, soils, botany, etc., as they relate to the sales of special forest products. They need a basic knowledge in these areas. They should coordinate with other resource specialists for NEPA compliance.

Qualifications

- About BLM timber marking systems; be familiar with present and future timber sales; understand tree marking procedures; understand the objectives and procedures of silvicultural treatments.
- With BLM cruising and scaling rules; determining board foot volumes, estimating the quantities of forest products sold in measurements other than board feet/cubic foot.
- With BLM contract/permit provisions and contract/permit forms--free use, lump sum, and vegetative cash sales.
- With trespass procedures--prevention, detection, and collection of damages. Must work closely with law enforcement officers.
- When designated as a Collection Officer, need an understanding of the procedures and responsibilities involved.
- Must have a working knowledge of TSIS and other BLM software.

ISSUE ANALYSIS
Special Forest Products Management

Major Issue: PUBLIC EDUCATION

Subissue: Language and Cultural Barriers

Background or Present Situation/Practices

Several Districts are receiving visits by non-English speaking customers seeking special permits for forest products. Most contacts are with Spanish-speaking individuals. Significant contacts are also made with Cambodian and Russian customers.

Occasional problems are reported by most westside Districts and the Lakeview Office. Eastside Districts reported no problems. Most non-English speaking visitors to the offices can converse in English well enough to make conversations possible, or they bring an interpreter with them. There is some doubt, however, that stipulations written in English are understood. At least one BLM Ranger has reported finding bough cutters in areas outside of their permit who claim not to understand the directions on their permit.

At the present time, Spanish language brochures on bough and bear grass collecting are available and useful.

List of Options

1. Develop multilingual specifications for all products.
2. Develop multilingual and ethnically diverse audio or video presentations.
3. Develop lists of translators (lingual and sign).
4. Install TDD (Telecommunications Device for the Deaf) equipment in all offices.
5. Determine level of recognition of other cultures, language uses. Public contact employees need to be sensitive to other cultures and special needs.

Analysis of Options

1. Develop multilingual specifications?

Advantages:

- Increase understanding of specifications.
- Facilitate compliance (take away the excuse).

Disadvantages:

- Expensive and time-consuming for low number of participants.
- Many non-English speaking customers are nonliterate in their native language.

2. Develop multilingual and ethnically diverse audio or video presentations.

Advantages:

- Increase understanding.
- Easily transferable to all offices.

Disadvantages:

- Expensive to produce.
- Difficult to use in busy offices.
- Special equipment needed.

3. Develop lists of translators (lingual and sign).

Advantages:

- Easy to accomplish.
- Increase understanding.
- Provides personal contact.

Disadvantages:

- May not be available in all offices all the time.

4. Research TDD capabilities for the deaf.

Advantages:

- TDD equipment is required under WO Instruction Memorandum 90-347.
- Would provide benefits in other contacts with the public about recreation information, non-forestry permits, etc.

Disadvantages:

- Equipment and training is expensive.

5. Becoming sensitive to differences in other cultures.

Advantages:

- Beneficial in helping employees cope with a diverse workforce and public contacts.
- Eliminate unnecessary barriers to communication with people from diverse backgrounds and cultures.
- Create a more positive/cooperative relationship with diverse customers.

Disadvantages:

- Difficult to implement; training and experience required.

Recommendations (What, Where, When, and/or How)

1. Develop standard specifications for all forest products in Spanish to be attached to permits as appropriate. Individual Districts should consider developing specifications in other languages, if needed.
2. Individual offices shall develop a list of people within the agency, other State/Federal agencies, and the community who have the ability to communicate and translate if called upon. These lists shall be kept available at the front desk.
3. Urge the Division of Administration to develop a statewide policy and guidance on the use of TDD equipment in all offices.

Rationale

Cultural and language barriers in dealing with BLM's customers are a problem occasionally. The creation of specifications and brochures in Spanish will go a long way to solving most of the problems.

Communication difficulties with individuals who speak other languages happens so infrequently that those problems can best be dealt with individually, rather than addressing them in this document.

Implementation Procedure

As standard specifications and brochures are developed (see recommendations in other subissues), Spanish versions of the same documents can be produced at little additional cost.

Recommendations #2 and #3 could be accomplished through Instruction Memorandums.

Some of this work can be done by the State Office Public Affairs staff (i.e., ads for radio or articles for newspapers that request assistance in community outreach activities).

ISSUE ANALYSIS
Special Forest Products Management

Major Issue: PUBLIC EDUCATION

Subissue: Instruction Handouts

Background or Present Situation/Practices
--

All five westside Districts were interviewed along with the four eastside Districts, plus Spokane, Washington. Three main questions were asked of each District: (1) Do you have any handouts such as information sheets, brochures, price lists, etc., on special forest products (SFP)?; (2) What would you like to have in regard to handouts on SFP?; and (3) Who else in your District is involved in issuing SFP permits?

From the answers to these three questions, we perceived the situation to be the following: two Districts on the eastside have no handouts at all; the most common handouts were harvesting instructions for boughs, moss, firewood, post and poles, and bear grass; some of the instructions for boughs and bear grass were in Spanish and Asian; only the Salem District was working on a standard harvest instruction sheet for each SFP being sold on the District, to go along with its new SFP handbook; only instructions on boughs and bear grass were found to be in the same handout in more than one District (i.e., no standardization); and three eastside Districts said they didn't need any more handouts or any improvements to their current handouts, while the rest of the Districts were very much in favor of having standardized (some wanted color), multi-language handouts (especially harvesting instructions) on each SFP.

If the public were to ask at random: "From whom on the BLM Districts could one acquire a SFP permit or information on SFP?", it would be hard to answer. The Medford District said that senior citizens, Forest Service personnel, volunteers, small sales administrators, front desk personnel, Resource Area clerks, and timber managers are all selling BLM SFP permits. Salem has a "redelegation" Instruction Memorandum, which is updated annually or amended when needed. It lists those who can sell and sign permits. The other westside Districts stated the front desk, small sales administrators, timber managers, and other designated personnel dealt in SFP. Those being interviewed in three eastside Districts didn't even know who else dealt in SFP in their respective Districts. The Baker Resource Area said three foresters, and the Vale District Office said the front desk. It is obvious that the general public has no idea what BLM is doing in regard to SFP on public lands; what kind of, or if any, permits are needed; or where to go to obtain information.

List of Options

1. A joint BLM/USFS SFP brochure be designed, printed, and distributed to the public as soon as possible.
2. A news release be published out of each District in regard to SFP.

Public Education

3. BLM standardize handouts pertaining to proper harvesting techniques and general information on each SFP preferably in different languages.
4. Each District publish its own SFP pricing and permit information sheet.
5. A "redelegation order" Instruction Memorandum be activated in each District and updated annually, or amended when needed. This Memorandum should be made available to the public so they will know who deals with SFP.

Analysis of Options

1. A joint BLM/USFS SFP brochure be designed, printed, and distributed to the public as soon as possible.

Advantages:

- This would help take care of the totally uninformed public in regard to the BLM and USFS's SFP policies.
- Excellent public relations for both agencies.
- Proof the two agencies are attempting to be consistent.

Disadvantages:

- Expensive - especially at times of low budget.
- More paper work.
- A more informed public means a busier day with contacts.

2. A news release be published out of each District in regard to SFP.

Advantages:

- Inform the public of each District's unique SFP policy.
- Good public relations.

Disadvantages:

- Will cause a larger workload.
- A better informed public may possibly put more stress on our natural resources.

3. Standardized handouts pertaining to proper harvesting techniques and general information on each SFP, preferably in different languages.

Advantages:

- Would take care of the District's need for standard, multi-language, detailed harvesting instructions.
- Would definitely better inform the public on harvest techniques, while helping better protect the environment and individual SFP species.
- Might help reduce protests.
- A better informed public should lessen the breaching of State and Federal laws and regulations.

Disadvantages:

- Increased liability to BLM.

- An increase in workload due to the research it will take to obtain factual, proper harvesting procedures to protect the environment, as well as the individual SFP species.
- More paper work.

4. Each District publish its own SFP pricing and permit information sheet.

Advantages:

- Each District will have some differences in their SFP values above the standard minimum and in their own sales procedure. Therefore, an information sheet would be given on request to anyone that asks and to all permittees. This should answer most questions in regard to prices and individual District sales policy and procedure.
- The sheet should save time when an individual asks questions about SFP.
- Excellent public relations.
- Low cost.

Disadvantages:

- More paper work.
- Important to keep updated.

5. A "redelegation order" Instruction Memorandum, available to the public, be activated in each District and updated annually, or amended when needed.

Advantages:

- Keeps the district personnel, as well as the public, informed concerning SFP.
- Answers all questions about who can sign contracts, sell SFP, handle money, and determine volume and value in a given District.

Disadvantages:

- More paper work to keep updated.

Recommendations (What, Where, When, and/or How)
--

1. Print a joint BLM/USFS SFP brochure as soon as possible and distribute to the public.
2. Have each District design its own pricing and SFP information sheet.
3. A committee be set up of either BLM or joint BLM/USFS to design a generic harvesting guideline and information sheet on each individual SFP to be handed out with each permit.

Rationale

The western Oregon SFP council educational subcommittee has a brochure designed and soon will be sending it to the BLM State Office. This brochure will go a long way toward informing the public about the SFP found on public lands.

Public Education

Each BLM District is unique, as is each District's SFP policy. The pricing and information sheet will best serve and inform the public of these individual differences.

Each SFP should be treated, handled, and harvested the same from District to District, so as not to endanger the species or its environment. A joint BLM/USFS generic, harvesting guidelines and information handout on individual species or products would go far in protecting the public's natural resources throughout the state.

The above three recommendations would do much to improve education of the public and to satisfy the individual District's needs in regard to SFP.

Implementation Procedure

The joint BLM/USFS SFP brochure is well on its way to being a realization. All BLM Districts, as well as westside Forests, will get a draft copy to review.

An Instruction Memorandum should be issued to each BLM District requesting the establishment of guidelines for the design and printing of an individual District pricing and SFP information sheet.

The joint BLM/USFS subcommittee that is working on the SFP brochure should be directed to start drafting generic, individual SFP harvesting guidelines and information handouts. BLM and USFS botanists should be directed to assist this committee, as well as other BLM and USFS personnel when the need arises.

The Salem BLM District has its own SFP harvesting guidelines for some of the more common products. These guidelines could possibly be used as a model.

ISSUE ANALYSIS
Special Forest Products Management

Major Issue: PUBLIC EDUCATION

Subissue: Maps

Background or Present Situation/Practices
--

All of the BLM Districts in Oregon and Washington were interviewed. The questions asked were: (1) What kind of maps do you have? (2) Do you have an adequate supply of maps? (3) What is the quality of your maps? (4) Who is responsible for making and updating the maps? (5) How is the overall map system working for you?

The westside Districts all have transportation maps, exhibit A maps, and recreation maps. Two of the westside Districts carry 1:100,000 maps. The eastside and Spokane Districts tend to use the 1:100,000 map or a handdrawn sketch map.

The five westside Districts feel the quality and supply of their SFP maps is adequate. The eastside Districts and Spokane do not have detailed maps for their SFP program. The quality and quantity of maps for the eastside seems to lack detail.

The responsibility for map making and updating does vary from District to District. The overall tendency is to have the engineering section or cartography section in the Division of Operations make the maps. The updating information is the responsibility of the Resource Areas in the respective District.

The opinion of the westside Districts is that they are currently operating with a system that rates from fair to moderately good, while the opinion of the eastside is that they seem to be operating with a system that rates from poor to fair.

List of Options

1. For internal use, create District maps for all Districts in order to standardize.
 - Maps should be color coded showing ownership.
 - Maps should show withdrawn areas.
 - Maps should be indexed and show all roads, including freeways.
 - Maps should show blocked and gated roads.
 - Maps should show streams and have topo lines.
2. The engineering or cartography section of the District Division of Operations should be responsible for a yearly updating.
3. The maps should show detail and be of a quality equalling an exhibit A map.
4. Availability of money to create the maps needed for use in the SFP program.

5. Standardize pricing of maps on all Districts.

Analysis of Options

1. Create District maps for all Districts in order to standardize.

Advantages:

- Public would be able to determine ownership of the land.
- Excellent public relations.
- With a good map, less possibility for the public to become lost.

Disadvantages:

- Expensive.

2. The engineering or cartography section of the District Division of Operations should be responsible for a yearly updating.

Advantages:

- Easier for standardization.

Disadvantages:

- Heavier workload.

3. The quality of maps.

Advantages:

- Availability of a more professional quality of map.

Disadvantages:

- Heavier workload.

4. Availability of money.

Advantages:

- More money would allow good maps to be made.
- Better public relations and less likelihood that the public would get lost.

Recommendations (What, Where, When, and/or How)

1. State Office assume the responsibility of overseeing that District maps are standardized. The SFP handbook will provide standards and guidelines for designing, issuing, and updating maps. Maps should be color coded, show ownership, withdrawn areas, all roads, blocked and/or gated areas, streams, and topo lines.
2. The engineering or cartography section take on the responsibility of producing a quality SFP map that is updated yearly.
3. Budget enough money for each District to make maps for the SFP program.

Rationale

The need for quality SFP maps is great. In order to serve the public and the SFP program, a quality map should accompany each permit issued. The map not only allows the permittee to know where the permit is valid, but the availability of standard maps would provide consistency for the overall SFP program. Permits could be written between Districts; this would serve public needs because it would reduce the necessity for traveling long distances to obtain permits.

Implementation Procedure

Districts budget money for needed SFP maps, issue Instruction Memorandums to have the District Division of Operations, engineering and cartography, make SFP maps of consistent quality, to be updated annually.

ISSUE ANALYSIS
Special Forest Products Management

Major Issue: ROAD MAINTENANCE

Subissues:

1. Not all fees being collected
2. How to collect, how much, when (which products)
3. Need consistency

Background or Present Situation/Practices
--

From a summary of Fiscal Year 1991 small sales transactions reported in TSIS, the following observations have been made

	No. Permits	Value	Road Maint.	Rd. Maint./ Value
Salem	107	\$17,482	\$257	1.5%
Eugene	215	\$70,732	\$104	0.2%
Roseburg	497	\$30,143	\$1,366	4.5%
Medford	1,682	\$110,210	\$6,368	5.8%
Coos Bay	212	\$36,520	\$1,068	2.9%
Lakeview	70	\$2,168	\$35	1.6%
Burns	37	\$3,505	\$29	0.8%
Vale	15	\$254	0	0.0%
Prineville	109	\$1,231	\$359	29.2%
TOTALS	2,944	\$272,244	\$9,586	3.5%

The Table shown above includes all reported forest products. All Districts except one, collect road maintenance fees for fuel wood. Because of the small value generated, the Vale District does not consider it practical to maintain a separate road maintenance account.

From analysis of the TSIS report summary, and discussions with District employees, it has been found that there is no consistency among Districts in amounts collected, or which special forest products contribute to road maintenance, and that TSIS reports do not match District cuff records.

- Three Districts charge a maintenance fee of \$1.00 per cord for fuel wood.
- Three Districts charge a maintenance fee of \$0.50 per cord for fuel wood.
- Most forest products not measurable in board feet do not contribute to road maintenance, or are charged sporadically.

Because the three subissues listed at the top of the page are so closely related, they will be handled jointly.

List of Options

1. Continue inconsistent application of road maintenance collections.
2. Assess a standard road maintenance fee to all special forest products sold.
3. Increase maintenance collections.
4. Add or subtract maintenance fees to/from the product value.

Analysis of Options

1. Many forest product harvesters operate on more than one District. Uniform policies and guidelines are much easier to explain to the public, and it is easier to gain support and acceptance. This currently existing option is not consistent and does not increase maintenance collections. This option is no longer acceptable.
2. The potential for road surface damage, ditch and culvert clogging from vegetative material and debris, and other litter, exists from all forest product harvesters. BLM road maintenance employees have had to clean up behind these harvesters in many cases, and to be equitable all forest product removal should be assessed a road maintenance fee.
3. With the reduced level of timber sale harvest and resulting decline in road maintenance receipts, alternate sources of maintenance money are important. Since the fees collected from small sales would be deposited in separate District accounts, with no reference to specific road numbers or segments, the total collections could be applied to certain selected roads needing special attention. If the BLM has enough road control to authorize the sale of forest products, then maintenance fees should be collected, even though some segments of road are private.

A standard maintenance assessment would generate more revenue than the current situation. For example; if in FY 1991, all the Districts had collected 10 percent of the permit value as maintenance, the BLM would have deposited approximately \$27,200, rather than \$9,586. Ten percent for maintenance is considered to be as high as practical since the receipts from forest products are shared with the O&C counties.

4. Adding the maintenance fee to the product value essentially raises the fair market value paid by the public. This is not the intent of a maintenance fee charge.

Subtracting the fee from the product value allows the permit value to remain at the level the permittee expected. The cost of the forest product to the permittee is not increased; BLM is just administratively depositing a portion of the receipts to a maintenance account.

Recommendations (What, Where, When, and/or How)

It is recommended that a maintenance allowance of 10 percent of the permit value (rounded to the nearest whole dollar) for all special forest products sold, except Pacific yew bark sold to Hauser, be added to the permit amount and deposited in the appropriate road maintenance account number.

However, Instruction Memorandum No. OR-91-256, details the Fiscal Year 1992 road maintenance fees for forest products hauled on heavy trucks, such as sawlogs, marginal and cull logs, and commercial fuel wood. It also details the costs to be charged for hauling sand and gravel, building stone, facing stone, and quarry rock in dump trucks. This I.M. is to remain in effect.

All Districts expecting to generate more than \$2500 in special forest sales fees annually, should implement this procedure upon receipt of a State Office Instruction Memorandum. Maintenance fee collection should remain optional on Districts having very low demand for special forest products.

Rationale

The maintenance collection will be used to help offset the cost of clearing debris from road surfaces, ditchlines, and culvert catch basins. The appearance of a forest advertises the quality and policy of forest management.

A 10 percent of permit value maintenance fee collection is easy to calculate.

Calculating maintenance fees for commercial special forest products involving heavy trucks will be continued, using fees described in I.M. No. OR-91-256. This procedure is also expected to increase fee collections.

If fees are subtracted from the total permit value, it would not be an additional cost to the permittee.

Using FY 1991 as a base, the proposal would increase maintenance receipts by approximately 300 percent.

No difficulty in implementation, and very minimal insignificant cost increase is anticipated.

Program uniformity should be easier to explain and defend.

Implementation Procedure

The process will be implemented upon receipt of a State Office Instruction Memorandum.

On all special forest product sales made on Form 5450-5, 10 percent of the total permit value (rounded to the nearest whole dollar) will be deposited to the appropriate O&C (9110) PD (9120) account. For example, the minimum charge for maintenance and fuel wood will be \$1

Road Maintenance

and \$10, respectively, on what is commonly written on a \$10 - 2 cord sale (see attached example) for a total permit cost of \$11. The exception is those commercial forest products sales to be hauled in/on heavy trucks; those sales will have maintenance fees calculated using figures authorized in I.M. No. OR-91-256.

Sales of Christmas trees using Form 5450-10 for personal use should be charged \$0.25 per tree for road maintenance fees.

This procedure will be implemented by all Districts who expect to generate more than \$2500 annually in special forest product sales receipts.

Number

31485

UNITED STATES
DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT

VEGETATIVE OR MINERAL MATERIAL
NEGOTIATED CASH SALE CONTRACT
(\$2,499 or less for vegetative material)
(\$999 or less for mineral material)

State OREGON

District COOS BAY

Date of Sale 02/24/92

Name of Purchaser (first, middle, last) PAUL LAMBERT

Address (include zip code) 7123 WILSHIRE
888-6042 COOS BAY, OR 97420

KIND OF PRODUCT	EST. QTY. (Units)	RATE/ UNIT	PRICE
logging debris	2.00	4.50	\$ 9.00
TOTAL			\$ 10.00

Purchaser is liable for total purchase price shown above. There will be no refunds. Additional payment, if any, will be made in accordance with Sec. 1(c). This contract is made under terms of Sec. 1() and the stipulations indicated.

Contract expires (date) 03/25/92

ALL MATERIALS MUST BE REMOVED PRIOR TO THIS DATE

Location of sale: Myrtlewood Resource Area
30S 10W Sec. 06 SLATER SLIDER

RECEIVED AS PAYMENT IN FULL

ACCOUNT	COUNTY	PRICE
P. D. (5881)		\$
O & C (5882)	COOS	9.00
CBWR (5897)		
Road Maintenance Fee (9110) or (9120)		1.00
Material Site Reclamation (5310) or (5320)		0.00

Purchaser certifies that he is twenty-one years of age or older and if purchasing timber is a citizen of the United States.

Signature of Purchaser

Paul Lambert

Signature of Authorized Officer

Theresa Taylor

SEC. 1 CONTRACT TERMS
(check appropriate block)

- ☒ (a) All materials in contract area in excess of estimated quantity are reserved by the Government.
☒ Severance ☒ removal in excess of that quantity will subject Purchaser to trespass action.
- ☐ (b) The quantity of material is a predetermined amount and may be more or less than the actual amount.
- ☐ (c) If total number of units ☐ severed ☐ removed exceeds estimated units additional units shall be paid for at unit rate at time and place designated by the Authorized Officer.

SEC. 2 GENERAL STIPULATIONS
(check appropriate block)

All materials are to be removed in strict accordance with instructions of Authorized Officer and the following conditions and requirements:

No material may be ☒ severed ☒ removed unless marked or otherwise designated by Authorized Officer.

Title to material sold under this contract shall remain in Government and shall not pass to Purchaser until such material has been removed from contract area. If this contract involves severance of vegetative material, risk of loss shall be borne by Purchaser after material is cut. Nothing herein shall be construed to relieve Purchaser from liability for any breach of contract or any wrongful or negligent act, or for any violation of any applicable regulation of the Department of the Interior.

Purchaser shall take such measures for prevention and suppression of fire on the contract area and other Government lands as are required by applicable laws and regulations. Purchaser shall dispose of refuse in accordance with instructions from Authorized Officer.

If Purchaser violates any of the provisions of this contract, the Authorized Officer may, by written notice, suspend any further operations of Purchaser under this contract, except such operations as may be necessary to remedy any violations. If purchaser fails to remedy all violations within thirty (30) days after receipt of the suspension notice, the Authorized Officer may, by written notice, cancel this contract and take appropriate action to recover all damages suffered by Government by reason of such violation.

SEC. 3 SPECIAL STIPULATIONS

Load Tickets: 233115-233118
Vehicles: '83 NISSAN P/U - BEIGE GRF093

APPENDIX C
Comments on BLM Task Force Draft Report

**MANAGING SPECIAL FOREST PRODUCTS
IN OREGON AND WASHINGTON**

Unresolved Questions Related to SFP Management Direction

1. **A vision statement containing long and short-range special forest product management goals.**

- Yes, management needs to wrestle with the development of a vision statement and communicate this commitment to long and short range goals for SFP to all employees. (David Mattson, Coast Range R.A.)
- A vision statement is needed that aligns the management of SFP with ecosystem forest management. The statement should be a general statement in order to tier off the RMP. It should include specific goals and objectives to capture the workload and funding needs. (Coos Bay D.O.)
- The management of Salem District strongly agrees with several of the statements made in the introduction to this report. We recognize the fact that this is a viable program to which we should give serious consideration to addressing the biological, environmental, socioeconomic, cultural, and administrative impacts of harvesting SFP. To this end, we began developing a district supplement to BLM handbook H-5400-1 in February of this year. This supplement was implemented in June and contains the following statement which expresses both the short and long-term goals for special forest products on the Salem District:
"Both the Bureau and the public benefit from a properly managed Special Forest Products Program. The public is assured of a sustainable supply of these resources while the Bureau performs better public service, protects the resources it is to manage, and establishes clear policy and direction for these resources."

Some related decisions were:

- (1) Salem would use a minimum price guideline for SFP.
- (2) It was not necessary for the program to be self-supporting for the following reasons:
 - (a) It provides a public service;
 - (b) It provides some flexibility in our management of the resources and can help reduce potential hazards;
 - (c) It helps meet a demand for these products by the public;
 - (d) It helps control the use of the resources we are mandated to manage through the use of permits;
 - (e) It enables us to comply with any legal mandates;
 - (f) It helps reduce possibility of theft/trespass;
 - (g) It helps reduce possibility of damages to the resources; and
 - (h) It aids in the economic stability of local communities in a time of a changing forest industry.

(Salem D.O.)

Response:

We feel that the vision statement is captured in the Introduction to this report. Specific goals and objectives tied to a RMP workload have yet to be identified. Some goals and objectives have been stated in the Action Plans for implementing the five (5) recommendations.

2. Funding and staffing needs consistent with achieving those goals.

- Education of BLM employees is needed as well as funding and staffing. The direction has to be tied to ecosystem management and the interrelationship and value of all resources. (David Mattson, Coast Range R.A.)
- Funding and staffing. We need to identify workloads for SFP consistent with RMP implementation. The workload analysis would include the major components of the program such as existing levels of use, inventory and monitoring needs, contract administration needs, projected levels of use, and program administration (ADP-Recordkeeping, etc.). (Coos Bay D.O.)
- The Salem District recommends, at minimum, that one full-time position (10 workmonths) in each resource area be designated as program lead to be responsible for the development (including NEPA documentation requirements), management, sales, and contract administration (including basic monitoring) of the SFP. Since this monitoring is minimal, additional WMs will be needed, dependent upon the level of monitoring/inventory that is required.

In addition to the WMs needed in the resource areas, district staffs would also require some WMs allocated to them. Presently, our law enforcement officer spends about 2/3 of his time on SFP. There will also be a need of 1-2 WMs to provide program guidance, coordination and direction. Therefore, we estimate the minimum WM needs as follows:

Development, management, sales, contract administration, min. monitoring	10 WMs/area
Law enforcement - resource area	2 WMs/area
Law enforcement - district staff	2 WMs/year
Program guidance, coordination, and direction	2 WMs/year

(Salem D.O.)

Response:

This should be addressed in the "Costing Out of the Draft RMP" which is currently being done.

3. **The degree of management commitment needed to provide recognition for the special forest products management program.**

- There needs to be more commitment from management on SFP. In time the public will be questioning BLM's management for SFP, as they are currently doing with timber management. Management currently has an opportunity to support SFP before this problem occurs. (David Mattson, Coast Range R.A.)
- Management commitment should be included in the RMP, identified as a specific program in the budget cycle, and developed to educate and market the program by stressing economic benefits. (Coos Bay D.O.)
- Salem District's management is prepared to carry out the mandates of the program. (Salem D.O.)

Response:

The task force group feels that inclusion of the SFP prototype in the Final RMP is a management commitment. That, combined with the Action Plans for implementing the five (5) recommendations provides the basic guidelines for management commitment.

Comments on the Recommendations

Recommendation #1 - Expand the section on special (minor) forest products in forthcoming RMP/EIS documents. This can be done by developing a prototype section for Special Forest Products (SFP) for the RMP/EIS that stands alone rather than under timber or some other program.

- Given the level of impacts from the SFP program, I see no need to separate it from forest management. NEPA requirements are being met in the draft RMP/EIS. (Lee Lauritzen, McKenzie R.A.)
- This would not give the public an opportunity to react or respond to our intent on management of SFP. The only time they would see our intention is in the final, which allows for protests and appeals but not input. This is a good idea; however, it will probably require an amendment. (Terry Hueth, South Valley R.A.)
- I agree strongly with the need to expand the section in the forthcoming RMP/EIS. The very minor coverage in the draft RMP of special forest products shows the need to increase awareness and commitment from management. (David Mattson, Coast Range R.A.)

Recommendation #2 - Develop an Oregon/Washington handbook to provide uniform standards and guidelines for the management of SFP.

- Good idea; we need consistency. (Lee Lauritzen, McKenzie R.A.)
- Good idea! (Terry Hueth, South Valley R.A.)

Comments on BLM Task Force Draft Report

- I agree with the need for an Oregon/Washington handbook. There would need to be some flexibility in the handbook to allow districts to manage the resources, i.e., beargrass in keeping with the quantity they have and the local interest in the resource. Inconsistencies are, I believe, the most common public complaint. (David Mattson, Coast Range R.A.)

Recommendation #3 - Provide budget/management support to enhance SFP in ecosystem management and socioeconomic stability.

- Policy and management support is being provided under the draft guidance. Don't separate the budget into another single line item but consolidate ecosystem management (including SFP) into one line item with RMP objectives and goals to accomplish. Typical thinking, "the way to get people to do what I want is to control their budget." This concept and approach is not consistent with meeting ecosystem management goals. (Lee Lauritzen, McKenzie R.A.)
- The concern for budget is valid; however, from a field point of view, whenever this happens it creates an additional position in the State Office to manage this. The money should be directed to the field level with guidance, i.e., the field handbook. (Terry Hueth, South Valley R.A.)
- SFP have not been recognized as a budget item or a valid program. I agree with the need to have SFP supported with money and recognition. I am in favor of the current discussion of a lump sum R.A. budget that is divided as needed. Within the framework of ecosystem management, SFP will be seen as a valuable and valid program. If left to stand on its own as a lone program with a separate funding code, the amount would never be adequate. (David Mattson, Coast Range R.A.)
- Several people were concerned about either the cost/benefit of doing the program or the budgetary needs for inventory, contract administration, and monitoring. A clear policy statement for the Special Forest Products (SFP) program combined with a separate budget item for the program would go a long way in addressing these concerns. (Salem D.O.)

Recommendation #4 - Implement inventory, monitoring, and research proportional to use, public interest, and biological sensitivity.

- Some cases we need more data and information to manage the program better. This takes money and people. (Lee Lauritzen, McKenzie R.A.)
- No comment. (Terry Hueth, South Valley R.A.)
- Here is the flexibility I was talking about in the handbook. After inventory and monitoring, a program for a resource, i.e., beargrass, would be established that is proportional to the use, public interest, and biological sensitivity or availability. Inventory and monitoring will be critical to a properly managed SFP program. When questioned about alleged mismanagement, we need to be able to show how much of a resource we have and how it has responded to our management. (David Mattson, Coast Range R.A.)

Recommendation #5 - Take a more aggressive role in public education, outreach, and developing partnerships with outside groups interested in SFP management (e.g., harvesters, cultural groups, Nature Conservancy, USFS, etc.).

- Let's not build false expectations. Again, we need money and people to get the job done! (Lee Lauritzen, McKenzie R.A.)
- This is one recommendation that could really improve our public image. It should receive our highest priority in terms of effort and again based at the field organizational level. (Terry Hueth, South Valley R.A.)
- I agree with the need for public education but feel we must first educate many BLM employees to the reality that SFP is a valuable resource. Many feel we are managing weeds "brush." This attitude will need to change or the public will continue to see BLM's management of SFP as inconsistent and ignored. I also feel that the education to the value, economic and biological, of SFP is critical to BLM change to ecosystem management.

We need to be more aggressive in public education and outreach, and this can be done concurrently with educating BLM employees. Until BLM builds a broader base of employees who support and value SFP, the contacts to public groups will be limited by the current number of employees who see the value and importance. This number is small and based mostly in specialized fields--botany, etc. (David Mattson, Coast Range R.A.)

Response:

Thank you for your comments. All of the above items have already been considered by the Special Forest Products task force in developing the Action Plans for implementing the five (5) recommendations.

Comments on Appendix A

Issue Dealing With Contract/Permit Administration - language/cultural barriers; staffing needs/role of law enforcement; coordination between districts/agencies including tracking of violators; and conflict between users.

- Agree with general comment. I disagree with the recommendation #3 that seems to assume law enforcement should be the only people enforcing SFP compliance. The number of law enforcement people will never be high enough to be the sole enforcement or provide adequate support. The people assigned to small sales will also need to do compliance checks and investigations when needed. (David Mattson, Coast Range R.A.)
- For monitoring and administration - investigate the possibility of changing BLM regulations to allow a few non-law enforcement people per district to issue citations for minor violations (as does the USFS). Our Ranger is spread way too thin to cover our monitoring and enforcement needs on the Prineville District. (Steve Costillo, Central Oregon R.A.)

Response:

The intent was not to limit enforcement only to law enforcement personnel (see recommendations on page B-11 in Appendix B). This will be explored in more depth during the development of the SFP Handbook.

Issue Dealing with Contracts - contracts and contract preparation; payments and identification; regulations for sale; and free use.

- I disagree with long-term leases. They would be simpler to administer. But large amounts of up front money tend to come from out-of-state companies and will exclude opportunity to many smaller local operators. (David Mattson, Coast Range R.A.)
- Long-term leases (p. 25). This looks like a beneficial approach for some resources. Although there was no section on stipulations, I recommend that stipulations be included. This would include that the lease may be terminated or suspended if BLM/USFS monitoring shows depletion of the resource below levels identified as necessary for sustainability and ecosystem/plant community health or if there is observed damage to other resources which could be associated with special forest product harvest. These steps probably should apply to all harvest actions. (This latter not included as a penalty but to allow resource recovery and discussion of non-detrimental harvest techniques.)

Care would also need to be taken to assure that the number of long-term and (short-term) permits given to the area won't harm the product and non-product resources (i.e., carrying capacity). (Cheryl McCaffrey, OR-932)

Response:

Long-term leases may be handled on a case-by-case basis and are to be considered an exception rather than the rule. They provide the manager an option to meet program needs. Some of the items mentioned will be considered when establishing the long-term lease guidelines in the Handbook.

Issue Dealing With Pricing - prices: establishing; consistency between districts and agencies; commercial vs. personal use; and minimum permit value.

- Pricing - Don't agree with the report. Comes around to what we have now; anyway doesn't tell the true picture as I see it today. (Tom State, OR-931)

Response:

Not enough information supplied with the comment for the task force to prepare a response.

Issue Dealing With Qualifications - knowledge and skills required of personnel involved with SFP.

- Sensitivity, support, and knowledge of SFP needs to go beyond the limit of the personnel to deal directly with the program. (David Mattson, Coast Range R.A.)

Issue Dealing With Public Education - informing and educating the user/general public with handouts and videos; addressing the language/cultural barriers; and issuing and improving SFP maps.

- Again, I believe they are missing a critical point. Until the majority of BLM employees see SFP as an important and economically valuable program, many of our efforts with the public will appear hypocritical. The policies may say we care about the program, but the contacts with the employees will show that some don't care. (David Mattson, Coast Range R.A.)

Response:

The response for this comment also applies to the previous comment. These are good suggestions and have been incorporated into the Action Plan for recommendation #5.

Issue Dealing With Road Maintenance - inconsistency in road maintenance collections.

- I agree with charging road maintenance. But in some cases, collecting 10 percent is not worth the effort. I believe a flat fee set up on a range of permit cost might be better. Example: \$1.00, \$10.00 permit or less; \$2.00 for \$10.00-\$40.00 permit; than 10% of permit. (David Mattson, Coast Range R.A.)
- In reference to charging Road Maintenance Fees. We recommend that the fee of 10 percent of the permit value charged for road maintenance be subtracted from the permit cost rather than adding the cost of road maintenance to the product for the following reasons:
 - a. simplification,
 - b. we are to be charging a fair market value for the product and would need to deduct 10 percent from the market value.(Coos Bay D.O.)

Response:

This is a technical problem that will receive more review and be covered within the Handbook.

General Comments

- Placing emphasis on the Special Forest Products (SFP) program is one thing; providing funding levels to make it "happen" is another. (Lee Lauritzen, McKenzie R.A.)

Response:

See the Action Plan for Recommendation #3.

- No comment except that statements like "...NEPA documentation and compliance for most SFPs is minimal to nonexistent." may come back to haunt us. (Nancy Anderson, OR-931)

Response:

The words "non-existent" will be dropped from this statement as most SFPs have been Categorically Excluded within the regulations.

- A stipulation for all contracts needs to be added that no harvest is allowed in Special Management Areas (ACEC, RNA, ONA, WSR, Wilderness, etc.) or other emphasis areas identified in RMPs unless authorized in writing by official. (Cheryl McCaffrey, OR-932)

Response:

This has been addressed in the prototype for SFPs for the Final RMP and the Handbook will provide specific guidelines regarding this matter.

- Conflicts between users (p. 15). I did not see that we addressed Native American traditional use. This is a problem regarding other resources in USFS and could make for conflict between permitted harvesters and Native Americans. We need to add a section to this report to address materials used in traditional ways by the various tribes and what is covered in treaties between the U.S.A. and these tribes. (Cheryl McCaffrey, OR-932)

Response:

This has been addressed in Chapter 2 - Alternative of the prototype for SFPs for the Final RMP and the Handbook will provide specific guidelines regarding this matter.

- (pp. 95-96) How can we incorporate herbarium specimen (plant specimen) collection? We are often asked if we have a permit system for collections. We don't that I know of, but maybe it should be addressed and included under a caveat that collection could be curtailed if resource damage occurs. Also, plant collection of special status species should not be allowed without a special permit for such collection done for research or educational use. Such permits could stipulate upper limits on amount collected, stipulate locations collected, and would allow us opportunity to protect popular populations from depletion by well-intentioned people. (Cheryl McCaffrey, OR-932)

Response:

When these situations arise, permits will be issued only after specific consultation with the area/district botanist. Further details will be provided in the Handbook.

- (p. 105) ACEC policy (1613) encourages but does not require management plans; or RNA policy (1623) states that management plans will normally be prepared. Actions in ACECs which harm the value for which designated are not permitted. I think policy is a bit stronger than indicated in the report. (Cheryl McCaffrey, OR-932)

Response:

This may be correct. A RMP prototype for SFPs has been developed which addresses these areas (see Chapter 2 - Alternatives in the prototype).

- Standard policy on when to use free-use permit - circumstances and specific non-profit groups that may qualify. (Steve Costillo, Central Oregon R.A.)

Response:

This is addressed in 43 CFR 5500 and 8365. It will also be addressed in the Handbook.

- Provision to issue permits for a portion of a district from another district when the other district is closer or more convenient for the permit purchaser. For example, often we have people coming over to the north or west portion of our district (from Portland or Willamette Valley) to cut juniper boughs on a Saturday. It would seem logical to let them purchase their permit from, say, the Eugene or Salem Districts. Otherwise, they would have to drive to Prineville on a Friday, buy their permit, then perhaps spend the night or come back the next day to do their activity. We could set a maximum quantity limit for this case. (Steve Costillo, Central Oregon R.A.)

Response:

This could be handled on a case-by-case basis that is to be the exception rather than the rule. You could also change your work schedule to accommodate the schedule of the public you serve (i.e. work Saturdays).

- Pass out the 800 number law enforcement hotline card (example below) to each permit purchaser. This would accomplish two objectives: (1) It would help us with the monitoring by putting law-abiding permit purchasers on alert for violators; and (2) It would act as a deterrent for potential violators knowing that there are a bunch of people out there with these cards and a toll-free number to call.

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(Steve Costillo, Central Oregon R.A.)

Response:

Good idea. This will be included in the Handbook.

Comments Not Needing a Response

The following are comments received which the task force felt did not need a response.

Issue Dealing With Pricing - prices: establishing; consistency between districts and agencies; commercial vs. personal use; and minimum permit value.

- I agree with current price list and feel a good job was done. (David Mattson, Coast Range R.A.)

Issue Dealing With NEPA Process - clarifying the NEPA process; and addressing SFP management in the RMP/EIS and special areas.

- Agree. We need to settle NEPA issue and increase SFP portion of RMP/EIS. (David Mattson, Coast Range R.A.)

Issue Dealing With TSIS Record Keeping - ability to manipulate the system; ability to track violators; and automated program for use at front desk.

- Agree. No comment. (David Mattson, Coast Range R.A.)

Issue Dealing With Inventory/Monitoring/Research Needs -

- Inventory and monitoring is critical to establishing a well-managed SFP program. (David Mattson, Coast Range R.A.)

General Comments:

- At times, we get more "bad press" from this program than other major efforts. Most recently, the episode in South Valley for example. The program needs management! (Lee Lauritzen, McKenzie R.A.)
- This is an excellent, comprehensive document. The participants are to be congratulated. (Cheryl McCaffrey, OR-932)
- Without full funding of this program, many of these issues will just die with the current funding - lack of management support. (Tom State, OR-931)

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